

EXHIBIT K

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA, WETERN DIVISION

HARRY J. BINDER, an individual;
and CHARLES E. BINDER, an
individual,

Plaintiffs,

vs.

DISABILITY GROUP, INC., a
corporation; RONALD MILLER, an
individual; and DOES 1 to 10,
inclusive,

Defendants.

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) Case No.
) CV 07-02760-GHK (SSx)

DEPOSITION OF DAVID DWAYNE DIMAS

IRVINE, CALIFORNIA

FRIDAY, FEBRUARY 1, 2008

Reported by:
Lexann Christy
CSR No. 7932
Job No. 14374

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Case No.

CV 07-02760-GHK (SSx)

Deposition of DAVID DWAYNE DIMAS, taken

before Lexann Christy, a Certified Shorthand Reporter
for the State of California, with principal office in
the County of Orange, commencing at 12:04 p.m., Friday,
February 1, 2008, at the office of Teuton, Loewy &
Parker, LLP, 3121 Michelson Drive, Suite 250, California.

1 APPEARANCES OF COUNSEL:

2
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14 Also Present:

15 Dale Peterson, Certified Legal Videographer
16 James Napoli, Videographer Trainee
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1 A Yes.

2 Q How far back do you have them?

3 A From day one.

4 Q I'm showing you Exhibit 20, which is a printout
5 of a Google search result that I can represent to you is
6 from 2006.

7 First of all, does this format look familiar to
8 you?

9 A Uh-huh.

10 Q What does it look like to you?

11 Q It's a Google page. Is there another page to
12 this? It says "2" on here.

13 Q Not that I have. I can look at a break. Based
14 on your understanding of how these pages work, what would
15 be on the second page, more results?

16 A There should be some search stuff here, too, down
17 this side. I'm just figuring -- there would be more than
18 just these two -- usually more than two sponsored ads.

19 Q Would there be sponsored ads on the right-hand
20 side?

21 A Yes. See where it says "Sponsored Links" right
22 there?

23 Q Uh-huh. I don't know why that's so because this
24 is the way the document came to me.

25 Do you recall buying any AdWords containing the

1 word "Binder"?

2 A Yes.

3 Q When did you buy them?

4 A Probably right around this date right here 'cause
5 we were testing -- Google continually changes their
6 algorithms. You understand what I mean by that?

7 Q Yes. We may get into that in a second just so we
8 get a clear record but, yes, I do know what you mean by
9 that.

10 A Like this search result here for Binder And
11 Binder, they're number one in the generic search, okay, so
12 their algorithm is such that they will show up number one
13 in their meta tags and their key word density and probably
14 the links that are pointing at it.

15 In the pay-per-click world, they have another set
16 of algorithms, okay, and when you want to have a key word
17 show up, like, say, you put "SocialSecurityDisability as an
18 example, and I want to have somebody show up for
19 SocialSecurityDisability in Los Angeles, I would add the
20 words "Los Angeles" somewhere in this text, and it will
21 pull up the key words that we have inside of the Google
22 AdWords account.

23 So if there's a hundred key words that have
24 "disability" in it and "Los Angeles," it will eventually
25 pull those up depending on what the searcher queries.

1 many leads. He was only interested in leads and cases. So
2 that's how we did that.

3 And so however many came in that month, I would
4 write up a little thing and it would say how many were in
5 there and then they would verify it. I didn't know how
6 many cases unless they told me how many cases they had.

7 Q What would that document look like? Would it
8 look like, hey, we got this many visitors and this many
9 submissions in this month for this website --

10 A And you spent this amount.

11 Q Important to let me finish.

12 A I'm sorry.

13 Q So was that report -- is that something you
14 delivered to Ron Miller by email or otherwise?

15 A Yes.

16 Q Just by email or also another method?

17 A No.

18 Q Email?

19 A Uh-huh.

20 Q And did you in that report describe the AdWord or
21 search string that the individual searched?

22 A No.

23 Q Is that information, the search string
24 information, wouldn't that be contained in the submission
25 forms that the people sent in that you got copies of?

1 A No.

2 Q Would it be contained anywhere?

3 A Um, we were experimenting with how to get the key
4 word on the bottom of the lead, the exact key word at that
5 time, but I don't think we did that on those leads.

6 Q Did you ever start doing that?

7 A We do it now, but I don't think any of those
8 leads have that on there. It would just show the referring
9 page, but not the key word itself.

10 Q And the referring page would be Google or some
11 other page?

12 A Well, if they went to the
13 SocialSecurityDisabilityHelpCenter and they went to the
14 first page and then they dug three pages deep and they fill
15 out a form on "SocialSecurityDisability," you know,
16 "fibromyalgia," or some type of disease or something, okay,
17 it would show it came from that page.

18 Q But would it show whether they got there from
19 Yahoo, Google or some other search page on that submission?

20 A Well, it would only be Google because we were
21 only doing Google AdWords.

22 Q You were only doing Google AdWords. Do you
23 have -- the submissions that you sent to Mr. Miller on --
24 did you send them on a monthly basis that showed the
25 conversion rate?

1 Q Was that by email or verbally?

2 A It was a telephone call.

3 Q Who was the telephone call from?

4 A Ron Miller.

5 Q And did he call you or did you call him?

6 A He called me.

7 Q What did he say in that phone call?

8 A He wanted me to take down any reference to -- any
9 key words we were using for Binder And Binder.

10 Q Did he tell you why?

11 A He said somebody called him and complained. He
12 didn't really tell me what the complaint was, he just said,
13 "I want you to take them down as soon as possible."

14 Q At that time do you recall how many key words
15 were being run with the name "Binder"?

16 A I think there was maybe three to five.

17 Q What were they?

18 A Maybe "Binder And Binder," maybe the word
19 "Binder" by itself.

20 Q Let's slow down real quick.

21 A Okay.

22 Q So Binder And Binder with an ampersand or
23 "a-n-d"?

24 A Probably both.

25 Q What else?

1 A Maybe the word "Binder" and, um, I don't know --
2 I don't think there was five. I remember it was a real
3 easy takedown. I just went in there deleted them, and that
4 was the end of it.

5 Q Did you confirm that takedown with --

6 A Yes, I did.

7 Q How did you confirm it?

8 A Um, I probably sent him an email -- actually, I
9 told him "I'm going to do it right now," and then I just
10 did it right then and there.

11 Q Do you know if you confirmed it afterwards?

12 A Not one hundred percent. But I would say
13 normally what I would do is -- I might have called him back
14 or I could have sent him an email.

15 But I would believe that if I told him I'm going
16 to take them down right now, he would believe that, and
17 then that might have been the end of our conversation.

18 Q So we know there was "Binder & Binder" and
19 "Binder And Binder" and then "Binder."

20 Is that all you can recall sitting here today?

21 A That's all I recall.

22 Q Do you have records that would show exactly what
23 they were?

24 A Other than what's in the
25 SocialSecurityDisabilityHelpCenter.com Google account,

1 accounts as one?

2 A Huh-uh.

3 Q Okay. Thanks. Take a look -- I just want to
4 have you take a look real quick at Exhibit 4 and ask you if
5 you recognize Exhibit 4?

6 A No, I do not recognize it.

7 Q What about Exhibit 5, do you recognize Exhibit 5?

8 A Is that part of this one?

9 Q They're all related, but they're not identical.

10 A It looks like this one to me. So let's see what
11 are the dates. November -- it looks like the same report
12 ran on different dates.

13 Q Have you seen either Exhibit 4 or Exhibit 5
14 before today?

15 A I'm not sure if I've seen this or not.

16 Q Now, Michael Vincent is a name -- is that a name
17 that you had heard before?

18 A No.

19 Q So the first time you heard it was today?

20 A If I heard it before, um, you know, I didn't
21 remember him, you know, when I heard it -- when I heard his
22 name again, it was associated with this whole situation,
23 but other than that, I can't say that I had a conversation
24 with him on the phone or if I've ever met him.

25 Q So the websites that -- we already established

1 you designed and built HelpCenter.com, correct, and that
2 would be SocialSecurityHelpCenter.com?

3 A Right.

4 Q And then at some point to test the conversion
5 rate you also cloned the HelpCenter.com website and for a
6 period of time ran SocialSecurity411.com?

7 A Correct.

8 Q Besides those two websites, were there any other
9 websites that were created that -- created for or in
10 connection with Disability Group?

11 A No.

12 MR. PARKER: Let me take a five-minute break. I
13 promised Mr. Kohn you could take a look at the documents
14 that have been produced by * Domains by Proxy, and I do
15 just have a question about the logs that were related to
16 those, so let's take a five-minute break.

17 THE VIDEOGRAPHER: We're going off the record at
18 12:52 p.m.

19 (A recess was taken.)

20 THE VIDEOGRAPHER: We're going back on the record at
21 1:00 p.m.

22 BY MR. PARKER:

23 Q Mr. Dimas, I want to return to the submission
24 forms that came in off the HelpCenter.com website.

25 You said you have those back to the beginning of

1 time. Are they on a computer?

2 A Well, they'll be in the email account. I have to
3 just highlight them all, pull them off one at a time.

4 Q And the email account is --

5 A They might be on the computer. I have to query
6 it, our database guys, and see if they have them.

7 Q What kind of email software --

8 A It's possible we don't have all of them back to
9 the time we built our lead management system. We changed
10 servers.

11 Q What kind of email system are you running? When
12 you say it's in email, what kind of email are you running?

13 A Outlook, it would be just out of our Outlook. I
14 have to look in our Outlook. We had a server crash, and we
15 had to pull everything off of that, so we moved servers in
16 the last couple of months, so I don't know if we pulled
17 everything off of the old server as far as that -- that
18 wouldn't have been a relevant document to us because we
19 wouldn't have figured we needed it for anything.

20 Q But if it is there, just tell me what one of
21 those emails looked like. There's a "to" field and a
22 "from" field, it says to who and from who?

23 A It will have the information from the lead form
24 that they filled out, and it will be in an email, and it
25 will be sent to, um, whatever -- they have an intake email,

1 whatever it's called, like ssd@disabilitygroup.com,
2 something like that, and they would have went to there.

3 Q Then the "from" field would say what?

4 A It would say "HelpCenterLead," you know, and
5 maybe the person's name.

6 Q Were you guys shown as a copy?

7 A Yes.

8 Q And what would the copy address be?

9 A Just be identical, and it would just go to my
10 email so I would know one came in and so I could count it.

11 Q And your email would be?

12 A David@webpositionadvisor.com.

13 Q Then when Mr. Miller commented on the website,
14 the HelpCenter.com website, when you were building it, were
15 those comments provided by email, verbally or both?

16 A Um, both. Actually, he faxed -- he printed them
17 out and wrote notes on it and faxed it and we talked about
18 it while we did it.

19 Q Do you have those faxes?

20 A I don't think so. They were all cosmetic, like
21 color. I want a box here, move this here, move that here.

22 Q Do you still have any of that electronic website
23 copy?

24 A Of?

25 Q Of HelpCenter.com.

1 there was no pay-per-click campaign done on that.

2 Q And you recall that with certainty?

3 A Absolute certainty.

4 Q This is something Domains by Proxy produced, but
5 you just made a comment it doesn't reflect all the websites
6 that webpositionadvisors has started, but we certainly, I
7 think, nailed down here today that the only websites that
8 webpositionadvisors had any involvement with that relate to
9 Disability Group are SocialSecurityDisability411.com,
10 SocialSecurityDisabilityHelpCenter.com --

11 A Correct.

12 Q -- and then there was a clone of HelpCenter
13 called ".info"?

14 A Correct.

15 Q Now, the documents -- the email submissions that
16 came from potential clients that we've been talking about
17 today that may be in your email, those are something that
18 if Disability Group asked you for them, you would provide
19 them; is that correct?

20 A If I have them.

21 Q So whatever you've got, whatever documents you
22 have that relate to the business and the work you did for
23 them, you would give them to them if they asked, correct?

24 A Yes.

25 Q All they have to do is call you, right?

1 A Yes.

2 Q And that's always been true?

3 A And it would take time, yeah.

4 Q That's always been true, right?

5 A Yes.

6 Q And you need some time to get it together, but
7 other than that, it's not an issue for you?

8 A Yes.

9 Q Have they ever asked you to collect any of those
10 documents?

11 A No, 'cause they already have them.

12 Q So they never called you up and said, "Hey, we
13 need these documents from you"?

14 A Never.

15 Q And the first time you learned of this lawsuit
16 was a couple weeks ago?

17 A Correct.

18 Q And then between the time Mr. Miller called you
19 in November of '06 to take down any Binder AdWords and the
20 time that you got the subpoena, was there any other
21 discussion or communication regarding Binder And Binder at
22 all?

23 A No.

24 Q I'm sorry --

25 A No.

1 then, a brief moment in time only?

2 A Yes.

3 MR. PARKER: Same objections.

4 BY MR. KOHN:

5 Q And in your experience it doesn't represent what
6 would be there even a moment later; is that correct?

7 MR. PARKER: Objection. Calls for an expert opinion,
8 calls for speculation and is leading.

9 THE WITNESS: Based on this here, that it wasn't
10 there, yes.

11 BY MR. KOHN:

12 Q When you say "based on this here," what are you
13 referring to?

14 A Based on this comment here, "If the sponsored
15 link does not come up, keep clicking on the Search button."

16 Q And "this here" is Exhibit BB5?

17 A Correct.

18 Q I don't know if I asked you this, did Ron Miller
19 know at the time you cloned 411 that you were cloning 411?

20 A I don't think so.

21 Q Thank you.

22 MR. PARKER: I just have a few more, Mr. Dimas.

23 FURTHER EXAMINATION

24 BY MR. PARKER:

25 Q The purpose of HelpCenter.com was to generate

1 leads for Disability Group, correct?

2 A Yes.

3 Q And you already testified that you purchased
4 AdWords containing the word "Binder" for HelpCenter.com, as
5 well?

6 A Yes.

7 Q And those were the AdWords that you took down in
8 November 2006 when Ron Miller called?

9 A Yes.

10 MR. PARKER: I don't have anything else.

11 MR. KOHN: I have a couple more questions.

12

13 FURTHER EXAMINATION

14 BY MR. KOHN:

15 Q Are you married, Mr. Dimas?

16 A Yes, I am.

17 Q And how long have you been married?

18 A Nine years.

19 Q And do you have any children?

20 A I have six children, plus.

21 Q Do you have any other children?

22 A I have 726 children in Uganda.

23 Q Explain that.

24 A We have an orphanage of 716 children.

25 Q Do you run the orphanage?

EXHIBIT L

Kenneth Parker

From: Kenneth Parker
Sent: Friday, February 01, 2008 4:34 PM
To: 'mattkohn@msn.com'; Ron Miller
Cc: Jessica G. Bower; Thomas M. Galgano
Subject: Demand for Immediate Preservation of Evidence

VIA E-MAIL AND U.S. MAIL

Gentlemen:

Prior to today, Disability Group had represented at all times that its "webmaster" was Michael Vincent. Today, Disability Group's **other** webmaster, Mr. Dimas, testified that there was a separate Google account on which adwords containing the word "binder" were used. These adwords included the words "Binder," "Binder and Binder" and "Binder & Binder." The Google account Mr. Dimas testified about had a unique identifier and included the url www.socialsecuritydisabilityhelpcenter.com (the "Second Website"). Potential clients' submissions from that website also went to Disability Group. According to Mr. Dimas, he controlled the adwords account on Disability Group's behalf until sometime in 2007. Now, Disability Group controls this second adwords account, as Mr. Dimas he turned over control of it to them in 2007.

The use of these infringing adwords on the Second Website was never disclosed to plaintiffs despite very specific requests and questions on the subject matter. The existence of a second webmaster was never disclosed, and neither reports and data related to the Second Website *nor their existence*, were ever disclosed. In fact, defendants have affirmatively represented that such additional reports and data *did not* exist. The existence of these facts and reports was actively concealed in discovery. Defendants misrepresented, particularly in responses to document demands, that the reports produced by Mr. Vincent reflected **all** use by Disability Group or its agents of any adword containing the word "binder." We now know that representation was, and is, completely false. We also know that there is a substantial risk that key evidence has been lost or destroyed due to defendants' concealment. We have similar concerns about the website www.socialsecuritydisability411.com (the "411 Website"), even if use of that website was more limited based on Mr. Dimas' testimony.

Plaintiffs therefore demand that defendants immediately take steps to preserve information in the www.socialsecuritydisabilityhelpcenter.com adwords account on google, including but not limited to reports and evidence showing the use of adwords containing the word "binder" at any time, and particularly (but not limited to) in 2006. Plaintiffs further demand that defendants immediately make efforts to retain the type of information with respect to the Second Website and the 411 Website that Mr. Vincent retained with respect to www.disabilitygroup.com, including the type of information reflected in Exhibits 3, 4, 5 and 9 to Mr. Vincent's deposition. Such information would include (1) when any adword using "binder" was used in connection with the Second Website and the 411 Website; (2) how long any adword containing the word "binder" was used in connection with the Second Website and the 411 Website; (3) when such use ceased; (4) any "hits" or "clicks" that were linked to such use; and (5) a complete listing of all adwords used at any time on the Second Website and 411 Website.

Plaintiffs further demand that defendants serve supplemental (and true) responses, and documents responsive to, Request Nos. 4, 8, 15, 16, 17, 18, 20, 21, 23, 24, 29, 32, 33 and 34 of Defendants' Response to First Request for Production of Documents and Things, as well as Request Nos. 95 and 98 to Defendants' Response to Second Request for Production of Documents. Many of these responses are just plain false in light of the discovery of the existence of the adword use on the Second Website; others are misleading at best. The initial disclosures are affirmatively misleading and should be corrected to include Mr. Dimas as the second webmaster for the Second Website.

Having just ended the Dimas deposition, I am certain that I have additional follow-up, and will likely file a motion for sanctions. If evidence has been lost due to this concealment, you may be certain that I will recommend a motion for terminating or issue-related sanctions. I have read about, but never actually witnessed, active concealment such as this.

Kenneth G. Parker, Esq.
Partner



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EXHIBIT M



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February 7, 2008

VIA FACSIMILE AND E-MAIL

Matthew Kohn
844 25th Street
Santa Monica, CA 90403

Ronald D. Miller
2917 Santa Monica Blvd.
Santa Monica, CA 90404

Re: *Binder, et al. v. Disability Group, et al.*
U.S.D.C. Case No. CV 07 2760 GHK (SSx)

Gentlemen:

This is a request pursuant to Local Rule 37-1 that you meet and confer with me within ten days of this letter regarding Defendants' inadequate discovery responses and failure to produce documents.

Background

Prior to Friday, February 1, 2008, Disability Group and Ron Miller had represented at all times that Disability Group's "webmaster" was Michael Vincent. Friday, Disability Group's other webmaster, Mr. Dimas, testified that there was a separate Google account on which adwords containing the word "binder" were used. These adwords included the words "Binder," "Binder and Binder" and "Binder & Binder." The Google account Mr. Dimas testified about had a unique identifier and included the url www.socialsecuritydisabilityhelpcenter.com (the "Second Website"). Potential clients' submissions from that website also went to Disability Group. According to Mr. Dimas, he controlled the adwords account on Disability Group's behalf until sometime in 2007. Now, Disability Group controls this second adwords account, as Mr. Dimas had turned over control of it to them in 2007.

Matt Kohn

Ronald Miller

Re: Binder v. Disability

February 7, 2008

Page 2

The use of these infringing adwords on the Second Website was never disclosed to plaintiffs despite very specific requests and questions on the subject matter. The existence of a second webmaster was never disclosed, and neither reports and data related to the Second Website nor their existence, were ever disclosed. In fact, defendants have affirmatively represented that such additional reports and data did not exist. The existence of these facts and reports was actively concealed in discovery. Defendants misrepresented, particularly in responses to document demands, that the reports produced by Mr. Vincent reflected all use by Disability Group or its agents of any adword containing the word "binder." We now know that representation was, and is, completely false. We also know that there is a substantial risk that key evidence has been lost or destroyed due to defendants' concealment. We have similar concerns about the website www.socialsecuritydisability411.com (the "411 Website"), even if use of that website was more limited based on Mr. Dimas' testimony.

Demand for Preservation of Evidence

Plaintiffs therefore demand that defendants immediately take steps to preserve information in the www.socialsecuritydisabilityhelpcenter.com adwords account on Google, including but not limited to reports and evidence showing the use of adwords containing the word "binder" at any time, and particularly (but not limited to) in 2006. Plaintiffs further demand that defendants immediately make efforts to retain the type of information with respect to the Second Website and the 411 Website that Mr. Vincent retained with respect to www.disabilitygroup.com, including the type of information reflected in Exhibits 3, 4, 5 and 9 to Mr. Vincent's deposition. Such information would include (1) when any adword using "binder" was used in connection with the Second Website and the 411 Website; (2) how long any adword containing the word "binder" was used in connection with the Second Website and the 411 Website; (3) when such use ceased; (4) any "hits" or "clicks" that were linked to such use; and (5) a complete listing of all adwords used at any time on the Second Website and 411 Website.

Meet and Confer Regarding Discovery Responses and Documents

Plaintiffs further demand that defendants serve supplemental (and true) responses, and documents responsive to, Request Nos. 4, 8, 15, 16, 17, 18, 20, 21, 23, 24, 29, 32, 33 and 34 of Defendants' Response to First Request for Production of Documents and Things, as well as Request Nos. 95 and 98 to Defendants'

Matt Kohn
Ronald Miller
Re: Binder v. Disability
February 7, 2008
Page 3

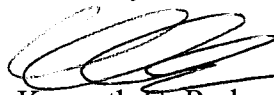
Response to Second Request for Production of Documents. These are individually discussed in Attachment A.

In addition, Defendants need to produce, at the very least, the following documents:

1. Documents similar in form to Exhibits 3, 4, 5 and 9 regarding the Second Website and the 411 Website, and any other website on which any adword containing "binder" was used.
2. The electronic submissions received from potential clients from Google during the time period in which any adword containing the word "binder" was used, regardless of whether defendants think such submissions are traceable to binder, from the Second Website and the 411 Website. This is in light of both Mr. Dimas' testimony and also the fact that I can no longer trust Defendants to self-select the submissions it thinks are relevant to this case.

I note that I made this demand for supplementation and production on Friday, February 1, 2008. I am attaching a copy of the e-mail. Since that time, you have produced a "supplemental" production of nine documents, all of which consist of documents previously produced in this litigation by us and others, which you have then bates-stamped with "dg" bates stamps and reproduced to us. You have not, however, seen fit to address the most egregious discovery misconduct I have seen to date.

Sincerely,



Kenneth G. Parker
of Teuton, Loewy & Parker LLP

Encls.
Copy: Thomas M. Galgano
Jessica Bower

Attachment A

First Set of Requests for Production

Request No. 4: Copies of all of Defendants' actual or proposed advertisements, internet advertisements, and websites, or other promotional materials containing or bearing the BINDER & BINDER TRADEMARKS.

Response No. 4: None can be identified and *none exist*.

Reason Response Is False:

Mr. Dimas testified that reports on www.google.com could be identified by searching their records. These records are immediately available to Defendants, and in fact similar records were produced by Mr. Vincent for www.disabilitygroup.com. Despite that, Defendants concealed the existence of similar reports for www.socialsecuritydisabilityhelpcenter.com (the "Second Website") and www.socialsecuritydisability411.com (the "411 Website").

Request No. 8: All Documents concerning the use or proposed use of the BINDER & BINDER TRADEMARKS or any variant thereof by Defendant.

Response No. 8: None can be identified and *none exist other than documents previously produced by Michael Vincent during his Aug. 29th deposition*.

Reason Response Is False:

The documents produced by Mr. Vincent literally told only half the story. The second webmaster and Google advertiser, Mr. Dimas, testified that reports on www.google.com could be identified by searching their records. These records are immediately available to Defendants, and in fact similar records were produced by Mr. Vincent for www.disabilitygroup.com. Despite that, Defendants concealed the existence of similar reports for www.socialsecuritydisabilityhelpcenter.com and the 411 Website and affirmatively misrepresented that such reports did not exist.

Request No. 15: Documents *sufficient to identify* Defendants' current and past employees and agents primarily responsible for Defendants' activities concerning selecting internet keywords drafting internet advertisement, or otherwise in connection with internet advertising or promotion, and these persons' respective roles therein.

Response No. 15: Documents previously produced Bates nos. DG-193.

Reason Response Is False:

DG-193 identified Mr. Vincent of Axsen, but did not identify the second webmaster, Mr. Dimas. In fact, DG-193 says "Webmaster's Contact Information." But there were two webmasters—Mr. Vincent for www.disabilitygroup.com and Mr. Dimas

for www.socialsecuritydisabilityhelpcenter.com. In short, this is consistent with Defendants' duplicitous efforts to act as if Mr. Dimas, and the infringing adwords he also used, did not exist.

Request No. 16: All Documents concerning the consideration, selection, adoption, and/or purchase by Defendant of the BINDER & BINDER TRADEMARKS, in whole or in part, as internet keywords, as a heading to link to Defendants' Website, or otherwise display or use in connection with Defendants' Website, including those relating to the reasons or decision for their use.

Response No. 16: None can be identified and none exist.

Reason Response Is False:

Such documents do exist in the form of advertising cost reports and other reports. In addition, Mr. Dimas testified that such reports could be obtained from www.google.com.

Request No. 17: All Documents concerning the date and manner of first use of the BINDER & BINDER TRADEMARKS by Defendant.

Response No. 17: Documents previously produced with Bates nos. DG-195 to DG-201.

Reason Response Is False:

Further documents do exist in the form of advertising cost reports and other reports for the Second Website and 411 Website. In addition, Mr. Dimas testified that such reports could be obtained from www.google.com.

Request No. 18: All Documents concerning any investigation, market research, survey and/or search conducted by or on behalf of Defendant in connection with Defendants' adoption display and use of the BINDER & BINDER TRADEMARKS in connection with Defendants' Website.

Response No. 18: None can be identified and none exist.

Reason Response Is False:

Further documents do exist in the form of advertising cost reports and other reports for the Second Website and 411 Website and original selection documents. No diligent search was conducted because Mr. Dimas was never contacted for documents or identified as possessing them. In addition, Mr. Dimas testified that such reports could be obtained from www.google.com.

Request No. 20: All Documents concerning Defendants' advertising programs with any website search engine company in connection with the BINDER & BINDER TRADEMARKS.

Response No. 20: Documents previously produced with Bates nos. DG-195 to DG-201; DG-283 to DG-315; DG-322 to DG-323 (attached hereto); DG-220, DG-221, + DG-221.1; and other documents previously produced by Michael Vincent during his Aug. 29th deposition.

Reason Response Is False:

The documents produced by Mr. Vincent literally told only half the story. The second webmaster and Google advertiser, Mr. Dimas, testified that reports on www.google.com could be identified by searching their records. These records are immediately available to Defendants, and in fact similar records were produced by Mr. Vincent for www.disabilitygroup.com. Despite that, Defendants concealed the existence of similar reports for www.socialsecuritydisabilityhelpcenter.com and the 411 Website and affirmatively misrepresented that such reports did not exist.

Request No. 21: All Documents concerning the proposed and submitted internet keywords or ad text to appear in the Google search results in Exhibit B of the Complaint and the persons responsible for the selection, revision, and implementation of the Ad text or keywords.

Response No. 21: Documents previously produced by Michael Vincent during his Aug. 29th deposition.

Reason Response Is False:

The documents produced by Mr. Vincent literally told only half the story. The second webmaster and Google advertiser, Mr. Dimas, testified that reports on www.google.com could be identified by searching their records. These records are immediately available to Defendants, and in fact similar records were produced by Mr. Vincent for www.disabilitygroup.com. Despite that, Defendants concealed the existence of similar reports for www.socialsecuritydisabilityhelpcenter.com and the 411 Website and affirmatively misrepresented that such reports did not exist.

Request No. 22: All Documents concerning Defendants' dealings with Google, Inc. in connection with the BINDER & BINDER TRADEMARKS.

Response No. 22: Documents previously produced with Bates nos. DG-195 to DG-201; DG-220, DG-221, + DG-221.1; and other documents previously produced by Michael Vincent during his Aug. 29th deposition.

Reason Response Is False:

The documents produced by Mr. Vincent literally told only half the story. The second webmaster and Google advertiser, Mr. Dimas, testified that reports on www.google.com could be identified by searching their records. These records are immediately available to Defendants, and in fact similar records were produced by Mr. Vincent for www.disabilitygroup.com. Despite that, Defendants concealed the existence of similar reports for www.socialsecuritydisabilityhelpcenter.com and the 411 Website and affirmatively misrepresented that such reports did not exist.

Request No. 23: All Documents concerning Defendants' expenditures for all advertisement and promotion which included the BINDER & BINDER TRADEMARKS and any summaries thereof.

Response No. 23: Documents previously produced with Bates nos. DG-220, DG-221, + DG-221.1.

Reason Response Is False:

The documents produced by Mr. Vincent literally told only half the story. The second webmaster and Google advertiser, Mr. Dimas, testified that reports on www.google.com could be identified by searching their records. These records are immediately available to Defendants, and in fact similar records were produced by Mr. Vincent for www.disabilitygroup.com. Despite that, Defendants concealed the existence of similar reports for www.socialsecuritydisabilityhelpcenter.com and the 411 Website and affirmatively misrepresented that such reports did not exist. No expense documents were produced for the Second Website and the 411 Website.

Request No. 29: All Documents concerning any communications with Defendants' employees or agents regarding the BINDER & BINDER TRADEMARKS.

Response No. 29: None can be identified and none exist.

Reason Response Is False:

There is no evidence that a diligent search was conducted or that Mr. Dimas was contacted about this request.

Request No. 32: Documents sufficient to show the number of cases retained during the time period when the BINDER & BINDER TRADEMARKS were used as keywords or otherwise appeared in search results for Defendant.

Response No. 32: Documents previously produced with Bates nos. DG-001 to DG-192; DG-216 to DG-219.

Reason Response Is False:

There is no evidence that Defendants included cases obtained via the Second Website and the 411 Website in these reports. In fact, the evidence is directly to the contrary.

Request No. 33: Documents sufficient to show the number of cases retained as a result of the BINDER & BINDER TRADEMARKS being utilized in connection with Defendants' Website.

Response No. 33: Document previously produced with Bates nos. DG-001 to DG-192; DG-216 to DG-219.

Reason Response Is False:

There is no evidence that Defendants included cases obtained via the Second Website and the 411 Website in these reports. In fact, the evidence is directly to the contrary.

Request No. 34: All Documents concerning Defendants' total sales of goods/services as a result of the BINDER & BINDER TRADEMARKS in terms of both dollars and cases retained since the date of first use of the BINDER & BINDER TRADEMARKS.

Response No. 34: Document previously produced with Bates nos. DG-216 to DG-219.

Reason Response Is False:

There is no evidence that Defendants included cases obtained via the Second Website and the 411 Website in these reports. In fact, the evidence is directly to the contrary.

Second Set of Requests for Production:

Request No. 95: All documents evidencing or referring to the Google Adwords purchased by Disability which triggered Disability's advertisements containing the word "binder."

Response No. 95: None exist other than confidential disclosures under seal, that of Michael Vincent Exhibit 9 to his deposition.

Reason Response is False:

The documents produced by Mr. Vincent literally told only half the story. The second webmaster and Google advertiser, Mr. Dimas, testified that reports on www.google.com could be identified by searching their records. These records are immediately available to Defendants, and in fact similar records were produced by Mr. Vincent for www.disabilitygroup.com. Despite that, Defendants concealed the existence of similar reports for www.socialsecuritydisabilityhelpcenter.com and the 411 Website and affirmatively misrepresented that such reports did not exist.

Request No. 98: All documents evidencing or referring to the website domain names owned by Disability.

Response No. 98: Objections: (1) the request is over broad; (2) the request is cumulative, duplicative, and includes categories of documents which cannot be reasonably identified. Without waiving objections, none can be identified and therefore none exist.

Reason Response is False:

The websites themselves are the documents. In hindsight, this response appeared calculated to conceal documents that would reveal the existence of David Dimas, the second webmaster. Only after plaintiffs served a subpoena on Domains By Proxy did defendants identify the Second Website as its own and identify Mr. Dimas.

Response to Interrogatories

Interrogatory and Answer to No.5:

IDENTIFY each person with knowledge of the facts referred to by Defendant in response to Interrogatory Nos. 3 and 4 above. Respondent and Michael Vincent, whose deposition was taken in this action.

Reason Response is False:

Mr. Dimas had knowledge, and moreover Mr. Miller had knowledge of Mr. Dimas' information. Mr. Miller called Mr. Dimas in November 2006 to "take down" the BINDER AND BINDER adwords. Mr. Miller called Mr. Dimas again in January 2008 to discuss his knowledge of these facts and refreshed Mr. Dimas' recollection. Despite this, Mr. Dimas was never identified in response to this interrogatory.

Interrogatory and Answer to No.6:

IDENTIFY each person with knowledge of the facts upon which Ronald Miller bases his claim that, if any, he did not willfully and intentionally direct the infringement of the BINDER & BINDER TRADEMARKS by Disability Group, Inc. (emphasis added). Ron Miller and Michael Vincent, whose deposition was taken in this action.

Reason Response is False:

Mr. Dimas had knowledge, and moreover Mr. Miller had knowledge of Mr. Dimas' information. Mr. Miller called Mr. Dimas in November 2006 to "take down" the BINDER AND BINDER adwords. Mr. Miller called Mr. Dimas again in January 2008 to discuss his knowledge of these facts and refreshed Mr. Dimas' recollection. Despite this, Mr. Dimas was never identified in response to this interrogatory.

Ron Miller's Response to Set Two Interrogatories

Interrogatory and Answer to No. 16:

Identify all of the keywords purchased by Disability in connection with internet search engines, to trigger advertisements for Disability containing the word "binder".

"binder and binder" and "social security binder"

Reason Response is False:

Mr. Dimas recalled, based on memory, using "binder & binder" and "binder" adwords. Actual documents regarding the Second Website and 411 Website have yet to be produced.

Ron Miller's Deposition

Mr. Miller has not signed his transcript. He needs to review and sign it. The following answers need to be corrected:

Miller's deposition Transcript

Pg. 27

19 Q Okay. When did Disability Group first
20 begin purchasing ad words for -- for triggering 11:40:14AM
21 results on www.Google.com?
22 A In 2004.
23 Q Okay. And has Disability Group always
24 used Axsen, A-x-s-e-n, for that purpose?
25 A Yes.

Pg. 29

Q At some point Disability Group selected 11:41:55AM

21 its first ad words for use with Google; is that
22 fair?

23 A Yes.

24 Q Do you recall what they were?

25 A No. 11:42:05AM

36

1 Q Do you recall how they were picked, in 11:42:07AM

2 other words, who was involved in picking them?

3 A Mike Vincent.

4 Q Okay. Mike Vincent entirely, or was there

5 anybody else involved? 11:42:18AM

6 A No, Mike Vincent.

Pg 30

14 Q Okay. Did you -- Disability Group hired

15 Axsen to build its Web site; is that fair? 11:44:23AM

16 A Yes.

Pg 36-37

9 Q How was it based on your understanding

10 that the Social Security 411 site allowed some kind 12:01:26PM

11 of testing of the efficacy of the ad words?

12 A I don't know.

13 Q Okay. Did somebody tell you that?

14 A Yes.

15 Q Who told you that? 12:01:42PM

16 A I believe it was Mike Vincent.

17 Q Okay. Did Michael Vincent design both of
18 these sites?

19 A I don't know.

20 Q Regardless whether you know if Michael 12:01:53PM

21 Vincent designed both of the sites, did somebody to,
22 your knowledge, at Axsen design them both?

23 A I don't know.

24 Q Who actually purchased the URL

25 DisabilityGroup.com? Did Axsen do that for you? 12:02:12PM

46

1 A No, I believe I did. 12:02:18PM

2 Q Okay. Do you recall who purchased the URL

3 SocialSecurityDisability411.com?

4 A No.

5 Q Do you recall when it was purchased? 12:02:29PM

6 A No.

7 Q At the time that that URL was purchased,

8 do you recall being told why it was purchased?

9 A No.

Pg. 39

Q Okay. Do you also -- does Disability

5 Group also own 12:05:37PM
6 SocialSecurityDisabilityHelpCenter.com?
7 A Yes.
8 Q Okay. Is there a separate Web site for
9 SocialSecurityDisabilityHelpCenter.com or is that
10 just a point for an e-mail contact? 12:05:50PM
11 A I don't believe there's a separate site.
12 Q Is --
13 MR. PARKER: Can you mark that as 21,
14 please.
15 (Plaintiffs' Exhibit 21 marked.) 12:06:16PM
16 BY MR. PARKER:
17 Q I've marked as Exhibit 21 what I can
18 represent to you is a colored printout of the
19 homepage from SocialSecurityDisability411.com as of
20 this morning. Do you recognize this Web site at 12:06:34PM
21 all?
22 A Yes.
23 Q Is this Web site, that is Exhibit 21, is
24 it managed by Axsen?
25 A I believe so.

Pg 40

18 Q Okay. How did you learn that the
19 SocialSecurityDisability411.com Web site was being
20 used to judge the efficacy of -- of the ad words? 12:07:54PM
21 A I believe I discussed it with Mike
22 Vincent.
23 Q Okay. Did he describe to you how this
24 separate Web site, the
25 SocialSecurityDisability411.com Web site, would aid 12:08:14PM
50
1 in determining the efficacy of the ad words? 12:08:21PM
2 A I don't recall.
3 Q Did he describe how particular ad words
4 would be tied to the SocialSecurityDisability411.com
5 Web site versus the DisabilityGroup.com Web site? 12:08:37PM
6 A No, I don't believe so.

Pg 55

6 Q Okay. And, to your knowledge, Disability
7 Group has never used the -- the name Binder in
8 connection with any other advertising other than
9 the -- the Google ad words that we're -- that are in
10 dispute in this lawsuit? 12:43:00PM
11 A That is correct.

EXHIBIT N



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February 12, 2008

VIA FACSIMILE AND E-MAIL

Matthew Kohn
844 25th Street
Santa Monica, CA 90403

Ronald D. Miller
2917 Santa Monica Blvd.
Santa Monica, CA 90404

Re: *Binder, et al. v. Disability Group, et al.*
U.S.D.C. Case No. CV 07 2760 GHK (SSx)

Gentlemen:

This is a continuing effort to meet and confer pursuant to Local Rule 37-1 following up on my e-mail of February 1, 2008 and my letter of February 7, 2008 regarding deficient responses and production.

Yesterday, I received dg382-86 from Mr. Kohn. We are studying the documents further, but I wanted to note the following deficiencies that are apparent from even a cursory review of these documents.

First, stating the obvious, all written responses identified in the letter of February 7, 2008 must be supplemented so that they are true and accurate. That has not yet been done, and must be done.

Second, the reports do not include any reports for "binder" or "binder & binder," adwords that Mr. Dimas testified he used with www.socialsecurityhelpcenter.com. In addition, you did not ask Mr. Dimas to search for any adwords containing the word "binder," which would be appropriate diligence and should have been done long ago. Thus, the production still is not complete in light of Document Request Nos. 4, 8, 16, 17, 18, 20, 22, 23, 29 (there is still no evidence that a diligent search has been conducted as to this request, which seeks correspondence regarding "binder"), 33 and 34 of the First Set of Requests and Request Nos. 95 and 98 of the Second Set of Requests.

Matt Kohn

Ronald Miller

Re: Binder v. Disability

February 12, 2008

Page 2

Finally, we have not yet seen any evidence of any search for submissions related to the keywords used on www.socialsecurityhelpcenter.com. We would expect to see them.

Thank you for your attention to the above. I remain available to meet and confer by phone.

Sincerely,



Kenneth G. Parker
of Teuton, Loewy & Parker LLP

Encls.

Copy: Thomas M. Galgano
Jessica Bower

EXHIBIT O



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February 15, 2008

VIA FACSIMILE AND E-MAIL

Matthew Kohn
844 25th Street
Santa Monica, CA 90403

Ronald D. Miller
2917 Santa Monica Blvd.
Santa Monica, CA 90404

**Re: *Binder, et al. v. Disability Group, et al.*
U.S.D.C. Case No. CV 07 2760 GHK (SSx)**

Gentlemen:

This is a continuing effort to meet and confer pursuant to Local Rule 37-1 following up on my e-mail of February 1, 2008, my letter of February 7, 2008 and my letter of February 12, 2008 regarding deficient responses and production.

I have now reviewed the production in further detail, as well as the discovery responses propounded in the last few days. There are still a plethora of problems with all of them.

The Production to Date

The documents recently produced only address some of the previous deficiencies. Problems remain as follows:

1. There is no document reflecting what "Customer ID" is linked to which url. The urls are www.socialsecuritydisabilityhelpcenter.com (the "Second Website") and www.socialsecuritydisability411.com (the "411 Website"). Without documents reflecting those links, it is impossible to fully evaluate what was produced without making assumptions that, given events to date, I am unwilling to make.

Matt Kohn

#415

Ronald Miller

Re: Binder v. Disability

February 15, 2008

Page 2

2. None of the documents reflect a search for the key word “binder” or “binder & binder.” This deficiency is glaring.

3. There is no clear evidence that the Second Website adwords account was searched at all.

4. It appears, however, that Mr. Dimas may have produced a report for the 411 Website at dg377-86 containing relevant information. However, no such report was generated for the Second Website, assuming (which again I am not willing to assume) that the Second Website is linked to ID 480-407-4592. A report such as the dg377-86 report needs to be produced for the Second Website.

5. The search of the Second Website (again, assuming that ID 480-407-4592 is the Second Website) is inadequate. All searches are limited by campaign and date, in addition to not searching the word “binder” to ensure all requested results are captured (*see* dg365).

To correct this problem, the following search needs to be conducted:

Date Range: All Time
Campaigns: All
Ad Groups: All
Ad Status: All
Keywords: binder
Ad Distribution: All
Keyword matching: All
Scheduled: No
Email notification: Off.

No such search has been done -- the documents you have produced reflect limitations in the “Campaigns” and “Ad Group” fields, as well as time limitations, that may have eliminated results showing infringement.

6. There is no report for either the 411 Website or the Second Website that is similar in form to the report for www.disabilitygroup.com that Mr. Vincent prepared and that was marked as Exhibit 9 to his deposition. At this time, such a report needs to be presented in light of the serious omissions in discovery documents and responses. You may mark it for my eyes only and I will treat it in

Ronald Miller

Re: Binder v. Disability

February 15, 2008

Page 3

an identical manner to Exhibit 9. This report may be generated by running the search with the parameters set forth above for “all” keywords.

7. There is no further evidence that a thorough and diligent search has been conducted for potential client submissions originating from the Second Website have been conducted. In fact, based on Mr. Dimas’ testimony, it appears to me that every submission from the Second Website should simply be produced.

Responses to Requests

I have now received and reviewed the Defendants’ Supplemental Response to Plaintiffs’ First and Second Requests for Production of Documents and Things. The responses to your requests remain inadequate and, in fact, still reflect false facts. For example, in response to requests 16 and 18, defendants state: “when Request No. 16 [and 18] was served, defendants possessed no documents of and concerning ‘Defendants’ Website’— a term subject to specific discovery instruction/definition, namely www.socialsecuritydisability411.com (‘411 URL’). Defendants had no knowledge ‘411 URL’ was created.” Defendants’ first response to requests for production of documents was served on December 14, 2007. A month earlier, Mr. Miller had already testified:

Q: So I’ve marked as Exhibit 20 a search result dated on the lower-right-hand corner 11-2-2006. Can you take a look at the top portion of this search result, Mr. Miller?

A: Yes.

Q: And you see that in the search field the words Binder and Binder are typed and then below that there’s a couple of sponsored links. One shows up as Disabled question mark Social Security with the DisabilityGroup.com Web site below it. ***And the second result is Binder and Binder and it shows up with SocialSecurityDisability411.com.*** Do you have any idea why those search results showed up that way?

A: No, but I know those are both our sites.

(Deposition of Ronald Miller, November 12, 2007 at p. 45:11-25 (emphasis added).) The false statement that defendants had “no knowledge” of the 411 Website is yet another in a string of lies and half-truths.

Moreover, Defendants inappropriately focus on whether Defendants physically “possessed” any information ignores the obligation under Rule 34 to

Matt Kohn

#417

Ronald Miller

Re: Binder v. Disability

February 15, 2008

Page 4

produce all information in Defendants' control, not just information in its possession. It is very clear that Mr. Dimas' information has always been, and is, in Mr. Dimas' control. First, he rescheduled his deposition through Defendants' counsel and rode to and from the deposition with Defendants' counsel. Second, and most importantly, Mr. Dimas has produced documents and reports upon Defendants' request, evidencing the control of them. Mr. Dimas has also testified he will produce such items upon your request. (Dimas Deposition 52:15 to 53:5.)

In addition, I have noticed in your recent responses and recent correspondence that you are misstating the nature and scope of the failures to disclose that occurred in this case. To be clear, the primary issue here is the failure to disclose the use of keywords containing "binder" in connection with the Second Website, the existence of submissions to Disability Group that came from the Second Website, and the existence of cases that were retained by virtue of those submissions. The affirmative misrepresentations and omissions went far beyond a few suspicious "I don't recall" in Mr. Miller's deposition; rather, they extended to affirmative representations in initial disclosures, responses to demands and interrogatory responses, and in fact, the ongoing and multiple representations about the "188" submissions and the "18" clients that started on day one and continued until February 1, 2008. This collection of misrepresentations and omissions infected the whole case, and affected the course of discovery and the expert report in the case. I am also concerned that, based on what has been produced since then, that Mr. Miller is continuing to avoid disclosing what is required to be disclosed.

Turning to the supplementation itself, I continue to have the following concerns:

Request No. 4:

The supplemental response remains patently false. To date, we still have not received the "deleted" campaign information for "binder" adwords that reflects the selections of headings that Mr. Dimas testified to on February 1, 2008.

Request No. 15:

This response needs to be supplemented. For all we know, based on the discovery misconduct to date, there could be yet another webmaster and website that we don't know about.

Matt Kohn
Ronald Miller
Re: Binder v. Disability
February 15, 2008
Page 5

Request No. 16.

See above, as well as the note for No. 4 above.

Request No. 17:

See above, as well as the note for No. 4 above. We have no confidence that an adequate search has occurred.

Request No. 18.

See above, as well as the note for No. 4 above.

Request No. 20:

As discussed above, the searches for the Second Website are not adequate, since they are inappropriately constrained with respect to the search terms. In addition, see the note for No. 4 above.

Request No. 22:

See concerns expressed above. We still do not have all the documents.

Request No. 23:

Same concerns as those expressed above.

Request No. 34:

The submissions received from the Second Website have not been produced. They need to be produced. If Defendants cannot segregate the submissions by keyword, then it needs to produce all of them.

Request Nos. 95 & 98:

Same concerns regarding inadequate search that are expressed above.

Matt Kohn

#419

Ronald Miller

Re: Binder v. Disability

February 15, 2008

Page 6

In addition, in my review I have noted that the response to Request No. 3 is not adequate either.

Request No. 3:

(a) All Documents concerning the nature of the actual promotional materials for goods and services offered for sale under the BINDER & BINDER TRADEMARKS, in whole or in part, in connection with Defendants' services, including, but not limited to, any brochures, commercials, newspaper articles, magazine advertisements, Internet advertisements websites, internet search engines, or other promotional materials in which Defendants' purchased keywords, displayed a heading linking to the Defendants' Website, or otherwise used or displayed in connection with the Defendants' Website; and (b) All Documents identifying the specific media (e.g., Google.com, Time magazine, CBS network TV, New York Times) and date on which such advertising and promotional material has appeared.

Response No. 3:

None can be identified and none exist.

Reason Response is False:

Mr. Dimas testified to the selection of keywords containing "binder" for purposes of advertising and to the selection of headings containing "binder." According to Mr. Dimas, the headings used can be found on www.google.com by pulling up the deleted campaigns. None of these deleted campaigns showing headings for any of the websites has been identified or produced.

Please supplement this as well.

Matt Kohn
Ronald Miller
Re: Binder v. Disability
February 15, 2008
Page 7

Thank you for your attention to the above. I look forward to speaking to
you Tuesday.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Kenneth G. Parker
of Teuton, Loewy & Parker LLP

KGP

Copy: Thomas M. Galgano
Jessica Bower

EXHIBIT P



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April 9, 2008

VIA E-MAIL [4/9] AND FACSIMILE

Matthew Kohn
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Santa Monica, CA 90403

Ronald D. Miller
2917 Santa Monica Blvd.
Santa Monica, CA 90404

**Re: *Binder, et al. v. Disability Group, et al.*
U.S.D.C. Case No. CV 07 2760 GHK (SSx)**

Gentlemen:

This is a continuing effort to meet and confer pursuant to Local Rule 37-1 following up on my e-mail of February 1, 2008, my letter of February 7, 2008, my letter of February 12, 2008, and my letter February 15, 2008 letter, all regarding responses and production.

Problems remain with the production.

The Production to Date

The documents produced after February 12, 2008 only addressed some of the previous deficiencies. Problems remain as follows:

1. There is still no document reflecting what "Customer ID" is linked to which url. The urls are www.socialsecuritydisabilityhelpcenter.com (the "Second Website") and www.socialsecuritydisability411.com (the "411 Website"). Without documents reflecting those links, it is impossible to fully evaluate what was produced without making assumptions that, given events to date, I am unwilling to make.

2. None of the documents reflect a search for the key word "binder" or "binder & binder."

Matt Kohn

Ronald Miller

Re: Binder v. Disability

April 9, 2008

Page 2

3. There is no clear evidence that the Second Website adwords account was searched at all.

4. It appears, however, that Mr. Dimas may have produced a report for the 411 Website at dg377-86 containing relevant information. However, no such report was generated for the Second Website, assuming (which again I am not willing to assume) that the Second Website is linked to ID 480-407-4592. A report such as the dg377-86 report needs to be produced for the Second Website.

5. The search of the Second Website (again, assuming that ID 480-407-4592 is the Second Website) is inadequate. All searches are limited by campaign and date, in addition to not searching the word "binder" to ensure all requested results are captured (*see* dg365).

To correct this problem, the following search needs to be conducted:

Date Range: All Time
Campaigns: All
Ad Groups: All
Ad Status: All
Keywords: binder
Ad Distribution: All
Keyword matching: All
Scheduled: No
Email notification: Off.

It remains that no such search has been done -- the documents you have produced reflect limitations in the "Campaigns" and "Ad Group" fields, as well as time limitations, that may have eliminated results showing infringement.

6. There is no report for either the 411 Website or the Second Website that is similar in form to the report for www.disabilitygroup.com that Mr. Vincent prepared and that was marked as Exhibit 9 to his deposition. At this time, such a report needs to be presented in light of the serious omissions in discovery documents and responses. You may mark it for my eyes only and I will treat it in an identical manner to Exhibit 9. This report may be generated by running the search with the parameters set forth above for "all" keywords.

Ronald Miller
Re: Binder v. Disability
April 9, 2008
Page 3

7. There is no further evidence that a thorough and diligent search has been conducted for potential client submissions originating from the Second Website have been conducted. In fact, based on Mr. Dimas' testimony, it appears to me that every submission from the Second Website should simply be produced.

Responses to Requests

I have now received and reviewed the Defendants' Supplemental Response to Plaintiffs' First and Second Requests for Production of Documents and Things. Respectfully, the responses to your requests remain inadequate. For example, in response to requests 16 and 18, defendants state: "when Request No. 16 [and 18] was served, defendants possessed no documents of and concerning 'Defendants' Website'— a term subject to specific discovery instruction/definition, namely www.socialsecuritydisability411.com ('411 URL'). Defendants had no knowledge '411 URL' was created." Defendants' first response to requests for production of documents was served on December 14, 2007. A month earlier, Mr. Miller had already testified:

Q: So I've marked as Exhibit 20 a search result dated on the lower-right-hand corner 11-2-2006. Can you take a look at the top portion of this search result, Mr. Miller?

A: Yes.

Q: And you see that in the search field the words Binder and Binder are typed and then below that there's a couple of sponsored links. One shows up as Disabled question mark Social Security with the DisabilityGroup.com Web site below it. ***And the second result is Binder and Binder and it shows up with SocialSecurityDisability411.com.*** Do you have any idea why those search results showed up that way?

A: No, but I know those are both our sites.

(Deposition of Ronald Miller, November 12, 2007 at p. 45:11-25 (emphasis added).) The statement that defendants had "no knowledge" of the 411 Website is incorrect.

Turning to the supplementation, I continue to have the following concerns, which were mentioned on February 12, 2008 but remain unaddressed:

Matt Kohn

Ronald Miller

Re: Binder v. Disability

April 9, 2008

Page 4

Request No. 4:

Respectfully, I believe the response remains incorrect. To date, we still have not received the "deleted" campaign information for "binder" adwords that reflects the selections of headings that Mr. Dimas testified to on February 1, 2008.

Request No. 15:

This response needs to be supplemented so that we are certain there are no other websites.

Request No. 16.

See above, as well as the note for No. 4 above.

Request No. 17:

See above, as well as the note for No. 4 above. We want to ensure that an adequate search has occurred.

Request No. 18.

See above, as well as the note for No. 4 above.

Request No. 20:

As discussed above, the searches for the Second Website are not adequate, since they are inappropriately constrained with respect to the search terms. In addition, see the note for No. 4 above.

Request No. 22:

See concerns expressed above. We still do not have all the documents.

Request No. 23:

Same concerns as those expressed above.

Request No. 34:

Matt Kohn

Ronald Miller

Re: Binder v. Disability

April 9, 2008

Page 5

The submissions received from the Second Website have not been produced. They need to be produced. If Defendants cannot segregate the submissions by keyword, then it needs to produce all of them. Production of the submissions is also required by Requests Nos. 76 and 77, which stated:

Request[] No. 76

All intake sheets of potential clients contacting Disability by telephone from March 2006 to November 2006.

Request[] No. 77

All intake sheets of potential clients contacting Disability by online live chat or email from March 2006 to November 2006.

Request Nos. 95 & 98:

Same concerns regarding inadequate search that are expressed above.

In addition, in my letter of February 15, 2008, I raised issues regarding Request No. 3, which remain unaddressed.

Request No. 3:

(a) All Documents concerning the nature of the actual promotional materials for goods and services offered for sale under the BINDER & BINDER TRADEMARKS, in whole or in part, in connection with Defendants' services, including, but not limited to, any brochures, commercials, newspaper articles, magazine advertisements, Internet advertisements websites, internet search engines, or other promotional materials in which Defendants' purchased keywords, displayed a heading linking to the Defendants' Website, or otherwise used or displayed in connection with the Defendants' Website; and (b) All Documents identifying the specific media (e.g., Google.com, Time magazine, CBS network TV, New York Times) and date on which such advertising and promotional material has appeared.

Matt Kohn

Ronald Miller

Re: Binder v. Disability

April 9, 2008

Page 6

Response No. 3:

None can be identified and none exist.

Reason Response is False:

Mr. Dimas testified to the selection of keywords containing "binder" for purposes of advertising and to the selection of headings containing "binder." According to Mr. Dimas, the headings used can be found on www.google.com by pulling up the deleted campaigns. None of these deleted campaigns showing headings for any of the websites has been identified or produced.

Please supplement this as well.

Thank you for your attention to the above. Please respond to this final effort to resolve outstanding issues with prior discovery no later than April 21, 2008.

Sincerely,



Kenneth G. Parker
of Teuton, Loewy & Parker LLP

KGP

Copy: Thomas M. Galgano

Jessica Bower

EXHIBIT Q

Binder, et al. v. Disability Group
U.S.D.C. Case No. cv-07-2760-GHK (SSx)
Dated: February 11, 2008

Re: Supplemental Disclosures and Additional Document
Production.

Subject: Meet-and-Confer date to be set after you have a chance
to review document disclosures..

Accompanying are documents with the following Bates numbers
and descriptions:

DG365 - Google Report for "HelpCenter" (all times) use of "binder and binder" in any form in any campaign - Google account 480-407-4592.
DG366 - Google Report for "HelpCenter" (11/4/05 to 6/19/06) use of "binder and binder" in any form in any campaign - Google account 480-407-4592.
DG367 - Google Report for "HelpCenter" (6/20/06 to 11/3/06) use of "binder and binder" in any form in any campaign - Google account 480-407-4592.
DG368 - Google Report for "HelpCenter" (11/4/06 to 2/5/08) use of "binder and binder" in any form in any campaign - Google account 480-407-4592.
DG369 - Formal written request of outside contractor to furnish reports.
DG370 - Disability Group Annual Revenue Income P&L (2005)
DG371 - Disability Group Annual Revenue Income P&L (2006)
DG372 - Disability Group Annual Revenue Income P&L (2007)
DG373 - Google Report for "411 URL" (all times) use of "binder and binder" in any form in all campaigns - Google account 719-120-8030.
DG374 - Google Report for "411 URL" (11/5/06 to 2/11/08) use of "binder and binder" in any form in all campaigns - Google account 719-120-8030.
DG375 - Google Report for "411 URL" (5/31/06 to 11/3//06) use of "binder and binder" in any form in all campaigns - Google account 719-120-8030.
DG376 - DG376.1 -- Google Report for "411 URL" Clone AdWords final report (All Times) (5/31/06 to 2/11//08) use of "binder and binder" in any form in all campaigns - Google account 719-120-8030.
DG377-381 and 383-386 - Google Report for "411 URL" Clone AdWords (All Times) shows "binder and binder" and "social security binder" uses and in no other form, together with clicks totals specific to keywords. Google account 719-120-8030.

DG382



rmiller@disabilitygroup.com | Help | Close Report
Customer ID: 480-407-4592

Keyword "binder and binder" (all time)

Report Generated: Feb 6, 2008 5:37:15 PM [Hide report detail](#)

Report Detail

Requested: Feb 6, 2008 5:36:58 PM
Generated: Feb 6, 2008 5:37:15 PM
Date Range: All Time
View: [Summary](#)

Campaigns: Top Converting Keywords Campaign
Keywords: binder and binder
AdWords Type: All

[Export Report](#) [Create Another Report Like This](#)

View: Summary

Impressions		Clicks	CTR	Avg CPC	Cost	Avg Position				
7,376		622	8.43%	\$0.55	\$339.27	1.81				
Campaign	Ad Group	Keyword	Keyword Matching	Keyword Status	Impressions	Clicks	CTR	Avg CPC	Cost	Avg Position
Top Converting Keywords Campaign	USA Main	binder and binder	Broad	Deleted	7,376	622	8.43%	\$0.55	\$339.27	1.8

Show rows:

25

1 - 1 of 1

Show rows: 1 - 1 of 1



rmiller@disabilitygroup.com | [Help](#) | [Close Report](#)
Customer ID: 480-407-4592

Keyword "binder and binder" (11/4/2005 to 6/19/2006)

Report Generated: Feb 6, 2008 5:39:58 PM [Hide report detail](#)

Report Detail

Requested: Feb 6, 2008 5:39:32 PM
Generated: Feb 6, 2008 5:39:58 PM
Date Range: Nov 4, 2005 - Jun 19, 2006
View: [Summary](#)

Campaigns: All
Keywords: binder and binder
AdWords Type: All

[Export Report](#) [Create Another Report Like This](#)

Nov 4, 2005 - Jun 19, 2006

View: Summary

Impressions	Clicks	CTR	Avg CPC	Cost	Avg Position
0	0	0.00%	\$0.00	\$0.00	0.00

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rmiller@disabilitygroup.com | Help | Close Report
Customer ID: 480-407-4592

Keyword "binder and binder" (6/20/2006 to 11/3/2006)

Report Generated: Feb 6, 2008 5:40:02 PM [Hide report detail](#)

Report Detail

Requested: Feb 6, 2008 5:39:56 PM
Generated: Feb 6, 2008 5:40:02 PM
Date Range: Jun 20, 2006 - Nov 3, 2006
View: [Summary](#)

Campaigns: All
Keywords: binder and binder
AdWords Type: All

[Export Report](#) [Create Another Report Like This](#)

Jun 20, 2006 - Nov 3, 2006

View: Summary

Impressions		Clicks	CTR	Avg CPC	Cost	Avg Position				
7,376		622	8.43%	\$0.55	\$339.27	1.81				
Campaign	Ad Group	Keyword	Keyword Matching	Keyword Status	Impressions	Clicks	CTR	Avg CPC	Cost	Avg Position
Top Converting Keywords Campaign	USA Main	binder and binder	Broad	Deleted	7,376	622	8.43%	\$0.55	\$339.27	1.8

Show rows:

25

1 - 1 of 1

Show rows: 1 - 1 of 1

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rmiller@disabilitygroup.com | Help | Close Report
Customer ID: 480-407-4592

Keyword "binder and binder" (11/4/2006 to 2/5/2008)

Report Generated: Feb 6, 2008 5:40:54 PM [Hide report detail](#)

Report Detail

Requested: Feb 6, 2008 5:40:23 PM
Generated: Feb 6, 2008 5:40:54 PM
Date Range: Nov 4, 2006 - Feb 5, 2008
View: [Summary](#)

Campaigns: All
Keywords: binder and binder
AdWords Type: All

[Export Report](#) [Create Another Report Like This](#)

Nov 4, 2006 - Feb 5, 2008

View: Summary

Impressions	Clicks	CTR	Avg CPC	Cost	Avg Position
0	0	0.00%	\$0.00	\$0.00	0.00

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 Print

Close window

Finder And BinderFrom: **mattkohn@msn.com**

Sent: Thu 2/07/08 12:09 PM

To: David Dimas (david@webpositionadvisor.com)

Cc: Ron Miller (winningcases@aol.com)

DAVID:

Do you think you can email-attach today the Google AdWords reports for web URL "411" and Keyword Binder & Binder and/or Binder and Binder, etc.

Can you produce them in 4 summary reports that detail the time-frames:

All - 11/4/2005 to 2/5/2008

Before = 11/4/2005 to Start of "411" campaign

During = Start of "411" to 11/2/2006

After = 11/3/2006 to 2/5/2008

Matt Kohn

phone 310 828 6116

DG369

Disability Group, Inc.
Monthly Income Statements
January through December 2005

	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 05	Jul 05	Aug 05	Sep 05	Oct 05	Nov 05	Dec 05	TOTAL
Revenue													
Social Security	19,739.48	34,069.05	35,760.38	80,782.01	53,452.22	67,229.07	63,483.29	93,240.32	49,584.54	88,186.29	97,736.83	90,675.16	773,938.64
Other Legal Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Income	19,739.48	34,069.05	35,760.38	80,782.01	53,452.22	67,229.07	63,483.29	93,240.32	49,584.54	88,186.29	97,736.83	90,675.16	773,938.64
Cost of Revenue													
Management Exp/Leased Employees	71,911.60	41,461.59	47,269.66	78,931.14	57,476.76	58,682.49	57,835.17	52,112.39	70,588.38	55,332.20	65,140.36	74,247.90	730,989.84
Other Cost of Revenues	2,394.51	4,190.16	7,924.84	5,885.15	7,151.17	8,327.84	8,068.11	781.24	3,540.06	3,596.02	4,327.50	5,788.41	61,975.01
	74,306.11	45,651.75	55,194.50	84,816.29	64,627.93	67,010.33	65,903.28	52,893.63	74,128.44	58,928.22	69,468.06	80,036.31	792,964.85
Expenses													
Fixed Expenses-Advertising	6,034.62	2,439.40	1,340.45	2,698.32	4,998.02	3,434.77	(1,856.48)	0.00	1,713.71	5,098.69	2,323.55	7,466.20	35,691.25
Fixed Expenses-Internet Advertising	9,640.77	7,548.05	5,906.10	3,474.90	3,474.90	3,624.73	4,979.79	19,831.10	29,321.18	18,296.17	29,096.09	26,101.36	161,295.14
Fixed Other Expenses	54,061.16	21,545.76	34,739.55	25,410.23	25,458.63	21,843.23	24,816.77	21,110.68	25,950.39	29,058.36	37,464.78	70,512.21	391,971.75
Variable Other Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	69,736.55	31,533.21	41,986.10	31,583.45	33,931.55	28,902.73	27,940.08	40,941.78	56,985.28	52,453.22	68,884.42	104,079.77	588,958.14
Add Interest Income													
	0.00	0.00	0.00	0.00	0.00	32.60	0.00	0.00	0.00	0.00	0.00	0.00	32.60
Income (Loss) for the Month	(124,303.18)	(43,115.91)	(61,420.22)	(35,617.73)	(45,107.26)	(28,451.39)	(30,360.07)	(595.09)	(81,529.18)	(23,195.15)	(40,615.65)	(93,440.92)	(607,951.75)

Disability Group, Inc.
Monthly Income Statements
January through December 2006

	Jan 06	Feb 06	Mar 06	Apr 06	May 06	Jun 06	Jul 06	Aug 06	Sep 06	Oct 06	Nov 06	Dec 06	TOTAL
Revenue													
Social Security	126,790.13	86,150.22	139,677.35	147,938.97	181,479.82	175,174.62	175,494.99	207,710.51	159,555.52	189,959.28	217,245.14	207,408.43	2,014,584.98
Other Legal Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Income	126,790.13	86,150.22	139,677.35	147,938.97	181,479.82	175,174.62	175,494.99	207,710.51	159,555.52	189,959.28	217,245.14	207,408.43	2,014,584.98
Cost of Revenue													
Management Exp/Leased Employees	77,184.00	74,655.82	116,997.97	83,473.72	86,294.49	106,594.84	100,247.84	102,611.17	134,512.25	97,400.98	90,284.83	114,274.31	1,184,532.22
Other Cost of Revenues	3,545.06	4,713.56	5,740.35	10,679.10	7,907.67	9,406.20	4,679.37	8,969.64	2,518.28	6,825.66	4,535.83	8,429.45	77,950.17
	80,729.06	79,369.38	122,738.32	94,152.82	94,202.16	116,001.04	104,927.21	111,580.81	137,030.53	104,226.64	94,820.66	122,703.76	1,262,482.39
Expenses													
Fixed Expenses-Advertising	0.00	5,586.61	9,960.20	3,635.55	4,472.53	6,165.50	2,629.35	5,845.35	10,488.64	518.10	739.00	9,956.46	59,997.29
Fixed Expenses-Internet Advertising	29,121.64	14,672.93	24,260.79	24,256.44	42,750.74	24,806.91	29,663.07	30,492.92	30,289.34	30,540.39	23,041.23	31,641.21	335,537.61
Fixed Other Expenses	28,256.34	38,345.72	48,648.15	35,136.96	43,844.68	48,389.90	72,330.00	45,616.17	44,528.38	46,068.34	44,296.69	57,996.35	553,557.68
Variable Other Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	57,377.98	58,605.26	82,869.14	63,028.95	91,067.95	79,362.31	104,622.42	81,954.44	85,406.36	77,126.83	68,076.92	99,594.02	949,092.58
Add Interest Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Income (Loss) for the Month	(11,316.91)	(51,824.42)	(65,990.11)	(9,242.80)	(3,790.29)	(20,186.73)	(34,054.64)	14,175.26	(62,881.37)	8,605.81	54,347.56	(14,889.35)	(196,989.99)

DG371

Disability Group, Inc.
Monthly Income Statements
January through December 2007

	Jan 07	Feb 07	Mar 07	Apr 07	May 07	Jun 07	Jul 07	Aug 07	Sep 07	Oct 07	Nov 07	Dec 07	TOTAL
Revenue													
Social Security	149,065.11	233,793.25	275,170.56	255,342.92	330,381.79	303,859.43	339,782.62	243,337.52	397,007.44	327,590.59	344,087.38	366,061.18	3,565,479.79
Other Legal Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Income	149,065.11	233,793.25	275,170.56	255,342.92	330,381.79	303,859.43	339,782.62	243,337.52	397,007.44	327,590.59	344,087.38	366,061.18	3,565,479.79
Cost of Revenue													
Management Exp/Leased Employees	122,689.36	144,075.61	144,229.39	157,417.77	155,199.65	153,146.56	151,858.68	175,713.40	155,106.09	174,929.61	199,411.55	193,632.39	1,927,410.06
Other Cost of Revenues	5,125.60	8,880.76	4,347.56	7,181.61	12,197.23	12,270.52	14,850.55	8,774.70	14,223.16	13,873.19	9,648.86	15,635.22	127,048.96
	127,814.96	152,956.37	148,576.95	164,599.38	167,396.88	165,417.08	166,709.23	184,488.10	169,329.25	188,802.80	209,060.41	209,267.61	2,054,459.02
Expenses													
Fixed Expenses-Advertising	8,145.16	1,929.65	4,470.30	6,839.92	2,267.50	8,219.44	6,075.49	5,490.18	12,241.58	18,714.80	29,612.25	26,530.90	130,537.17
Fixed Expenses-Internet Advertising	28,853.65	10,403.42	29,496.36	36,278.27	13,349.98	25,990.23	35,101.92	23,439.16	31,589.66	45,382.35	49,998.72	29,889.69	359,773.41
Fixed Other Expenses	38,474.31	60,180.51	59,058.07	45,884.46	59,731.63	57,709.07	59,456.02	46,584.73	58,751.50	46,711.65	60,911.89	55,652.39	649,106.23
Variable Other Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	75,473.12	72,513.58	93,024.73	89,002.65	75,349.11	91,918.74	100,633.43	75,514.07	102,582.74	110,808.80	140,522.86	112,072.98	1,139,416.81
Add Interest Income	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Income (Loss) for the Month	(54,222.97)	8,323.30	33,568.88	1,740.89	87,635.80	46,523.61	72,439.96	(16,664.65)	125,095.45	27,978.99	(5,495.89)	44,720.59	371,643.96

Clone Campaign

DG373

Clone Campaign
DG374

DG375

david@webpositionadvisor.com | New Features | Help | Contact Us | Sign Out
Customer ID: 719-120-8030



Reports Analytics My Account Audio Ads



Search

Campaign Summary > 1 of 1 ad
SSDHC - Clone group
> SSDHC .75 s

Ad Group: SSDHC .75

Get Disability Help
Post Your Case. Get Results.
We Win 85% of Cases Filed
SocialSecurityDisability411.com
1 of 1 - view all

Campaign Paused — Pause ad group | Delete ad group

Explore the tabs to view details
and fine-tune your account. [Close]

Summary

Ad
Summary Keywords Variations

May 31, 2006 to Feb 11, 2008 Change range

Top of Form

12265964 283631424

All time

May 31 2006 May 31, 2006

Feb 11 2008 Feb 11, 2008

Go

1 Include deleted items

Bottom of Form

#449

View all tabs at once
Keywords

Customize columns

Loading...



Done

Ad Network	Status	Current Bid Max CPC	Clicks	Impr.	CTR	Avg. CPC	Cost	Avg. Pos	Conv. Rate	Cost/Conv.	Conversions
Google + search network	Enabled	Default \$1.45 Edit	51	2,853	1.78%	\$0.91	\$46.23	4.0	0.00%	\$0.00	0
Content network	Enabled	Content \$0.75 Edit	11	6,981	0.15%	\$0.62	\$6.85	5.1	0.00%	\$0.00	0
Total			62	9,834	0.63%	\$0.86	\$53.08	4.8	0.00%	\$0.00	0

New to our system? Review Key AdWords concepts

+ Add keywords; Quick add | Keyword tool | Edit keywords | Search this list | Customize columns

Done

Top of Form

17289964 283631424 true true Campaign Manager

Add Keywords

Enter one keyword or phrase per line:

Save Estimate Search Traffic Cancel

Close quick add

To add or remove words by altering your current list, use Edit Keywords page.

Customize columns
Loading...

<Show/hide columns>



Done

Ad Network	Status	Current Bid Max CPC	Clicks	Impr.	CTR	Avg. CPC	Cost	Avg. Pos	Conv. Rate	Cost/Conv.	Conversions
Google + search network	Enabled	Default \$1.45 Edit	51	2,853	1.78%	\$0.91	\$46.23	4.0	0.00%	\$0.00	0
Content network	Enabled	Content \$0.75 Edit	11	6,981	0.15%	\$0.62	\$6.85	5.1	0.00%	\$0.00	0
Total			62	9,834	0.63%	\$0.86	\$53.08	4.8	0.00%	\$0.00	0

New to our system? Review Key AdWords concepts

View
all tabs at
once
Keywords

<Show/hide columns>

+ Add keywords: Quick add | Keyword tool | Edit keywords | Search this list | Customize columns

Done

Top of Form

12289964 283631424 true true Campaign Manager

Add Keywords

Enter one keyword or phrase per line:

Save Estimate Search Traffic Cancel

Close quick add

To add or remove words by altering your current list, use Edit Keywords page.

Bottom of Form

Top of Form

12268984 283631424 12268984 filter keywords

Search Keywords

Text: contains is any number

Stats: number of clicks

Type: all types of keywords

Status: Any status

Search

Close search

Bottom of Form

Top of Form

283631424 283631424 12268984

Pause Unpause Delete Edit Keyword Settings

1 - 500 of 627 keywords. Next »

Keyword	Status	Current Bid Max CPC	Clicks	Impr.	CTR	Avg. CPC	Cost	Avg. Pos	Conv. Rate	Cost/Conv.	Conversions
Search total	Enabled	Default \$1.45	51	2,853	1.78%	\$0.91	\$46.23	4.0	0.00%	\$0.00	0
All sources total			62	9,834	0.63%	\$0.86	\$53.08	4.8	0.00%	\$0.00	0
Q> binder and binder	Active	\$1.45	11	238	4.62%	\$0.61	\$6.74	3.3	0.00%	\$0.00	0
Q> applying for disability	Active	\$1.45	9	229	3.93%	\$0.69	\$6.18	2.1	0.00%	\$0.00	0
Q> disability help	Active	\$1.45	6	108	5.55%	\$1.19	\$7.11	1.9	0.00%	\$0.00	0
Q> disability benefits social security	Active	\$1.45	4	207	1.93%	\$1.10	\$4.41	3.2	0.00%	\$0.00	0
Q> neuropathy disability	Active	\$1.45	3	10	30.00%	\$0.74	\$2.23	2.1	0.00%	\$0.00	0
Q> permanent disability	Active	\$1.45	2	101	1.98%	\$1.18	\$2.35	1.9	0.00%	\$0.00	0
Q> social security disability application	Active	\$1.45	2	77	2.59%	\$0.91	\$1.82	2.3	0.00%	\$0.00	0
Q> disabled employment	Active	\$1.45	2	27	7.40%	\$1.18	\$2.35	2.0	0.00%	\$0.00	0
Q> how to file for disability	Active	\$1.45	2	11	18.18%	\$1.35	\$2.70	2.0	0.00%	\$0.00	0

223

DG377

Q ⁺ autism social security	Active	\$1.45	2	6	33.33%	\$1.26	\$2.53	2.0	0.00%	\$0.00	0
Q ⁺ verify social security	Active	\$1.45	1	23	4.34%	\$1.07	\$1.07	2.5	0.00%	\$0.00	0
Q ⁺ social security disability claim	Active	\$1.45	1	21	4.76%	\$1.25	\$1.25	3.3	0.00%	\$0.00	0
Q ⁺ social security claims	Active	\$1.45	1	20	5.00%	\$1.13	\$1.13	1.4	0.00%	\$0.00	0
Q ⁺ disability group	Active	\$1.45	1	19	5.26%	\$1.32	\$1.32	2.7	0.00%	\$0.00	0
Q ⁺ disability determination	Active	\$1.45	1	15	6.66%	\$0.84	\$0.84	1.9	0.00%	\$0.00	0
Q ⁺ social security disability advocates	Active	\$1.45	1	6	16.66%	\$1.14	\$1.14	4.0	0.00%	\$0.00	0
Q ⁺ social security disability act	Active	\$1.45	1	3	33.33%	\$0.16	\$0.16	1.7	0.00%	\$0.00	0
Q ⁺ disabilities disability	Active	\$1.45	1	2	50.00%	\$0.90	\$0.90	2.5	0.00%	\$0.00	0
Q ⁺ disability insurance	Active	\$1.45	0	695	0.00%	-	-	8.5	0.00%	\$0.00	0
Q ⁺ disabilities social security	Active	\$1.45	0	53	0.00%	-	-	3.8	0.00%	\$0.00	0
Q ⁺ disabled services	Active	\$1.45	0	47	0.00%	-	-	1.7	0.00%	\$0.00	0
Q ⁺ learning disabled students	Active	\$1.45	0	47	0.00%	-	-	1.8	0.00%	\$0.00	0
Q ⁺ filing for disability	Active	\$1.45	0	40	0.00%	-	-	3.3	0.00%	\$0.00	0
Q ⁺ social security disability income	Active	\$1.45	0	36	0.00%	-	-	2.8	0.00%	\$0.00	0
Q ⁺ social security disability	Active	\$1.45	0	33	0.00%	-	-	3.0	0.00%	\$0.00	0
Q ⁺ disabled housing	Active	\$1.45	0	32	0.00%	-	-	1.8	0.00%	\$0.00	0
Q ⁺ disability products	Active	\$1.45	0	31	0.00%	-	-	4.4	0.00%	\$0.00	0
Q ⁺ disability laws	Active	\$1.45	0	29	0.00%	-	-	2.6	0.00%	\$0.00	0
Q ⁺ learning disabled children	Active	\$1.45	0	28	0.00%	-	-	1.1	0.00%	\$0.00	0

Q▶ social security home page	Active	\$1.45	0	27	0.00%	-	-	1.5	0.00%	\$0.00	0
Q▶ social security administration disability	Active	\$1.45	0	26	0.00%	-	-	2.8	0.00%	\$0.00	0
Q▶ social security disability payments	Active	\$1.45	0	26	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶ disabled list	Active	\$1.45	0	25	0.00%	-	-	1.2	0.00%	\$0.00	0
Q▶ disabled rights	Active	\$1.45	0	24	0.00%	-	-	1.5	0.00%	\$0.00	0
Q▶ americans disability act	Active	\$1.45	0	20	0.00%	-	-	1.1	0.00%	\$0.00	0
Q▶ apply for social security disability	Active	\$1.45	0	18	0.00%	-	-	3.3	0.00%	\$0.00	0
Q▶ disabled kids	Active	\$1.45	0	15	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶ disability organizations	Active	\$1.45	0	13	0.00%	-	-	1.4	0.00%	\$0.00	0
Q▶ disability support	Active	\$1.45	0	13	0.00%	-	-	1.8	0.00%	\$0.00	0
Q▶ social security and disability	Active	\$1.45	0	13	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ disabled benefits	Active	\$1.45	0	12	0.00%	-	-	2.4	0.00%	\$0.00	0
Q▶ how to apply for social security disability	Active	\$1.45	0	12	0.00%	-	-	3.5	0.00%	\$0.00	0
Q▶ disability determination services	Active	\$1.45	0	11	0.00%	-	-	1.1	0.00%	\$0.00	0
Q▶ disability programs	Active	\$1.45	0	11	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ social security disability appeal	Active	\$1.45	0	11	0.00%	-	-	2.9	0.00%	\$0.00	0
Q▶ social security disability law	Active	\$1.45	0	11	0.00%	-	-	3.1	0.00%	\$0.00	0
Q▶ social security disability rules	Active	\$1.45	0	10	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ disabled parents	Active	\$1.45	0	9	0.00%	-	-	1.2	0.00%	\$0.00	0
Q▶ social security disability help	Active	\$1.45	0	9	0.00%	-	-	4.5	0.00%	\$0.00	0

DC380

Q▶ state disability benefits	Active	\$1.45	0	9	0.00%	-	-	1.8	0.00%	\$0.00	0
Q▶ disabled adults	Active	\$1.45	0	8	0.00%	-	-	2.2	0.00%	\$0.00	0
Q▶ social security disability eligibility	Active	\$1.45	0	8	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶ social security disability gov	Active	\$1.45	0	8	0.00%	-	-	3.2	0.00%	\$0.00	0
Q▶ benefit claim	Active	\$1.45	0	7	0.00%	-	-	1.5	0.00%	\$0.00	0
Q▶ disabilities benefits	Active	\$1.45	0	7	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ social security association	Active	\$1.45	0	7	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶ social security disability and medicare	Active	\$1.45	0	7	0.00%	-	-	2.2	0.00%	\$0.00	0
Q▶ social security disability records	Active	\$1.45	0	7	0.00%	-	-	2.5	0.00%	\$0.00	0
Q▶ carpal tunnel syndrome disability	Active	\$1.45	0	6	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶ disability appeal	Active	\$1.45	0	6	0.00%	-	-	4.0	0.00%	\$0.00	0
Q▶ disability association	Active	\$1.45	0	6	0.00%	-	-	2.9	0.00%	\$0.00	0
Q▶ schizophrenia disability	Active	\$1.45	0	6	0.00%	-	-	2.2	0.00%	\$0.00	0
Q▶ social security disability criteria	Active	\$1.45	0	6	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ social security disability determination	Active	\$1.45	0	6	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶ social security disability guidelines	Active	\$1.45	0	6	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ social security disability hearing	Active	\$1.45	0	6	0.00%	-	-	3.2	0.00%	\$0.00	0
Q▶ social security disability medicare	Active	\$1.45	0	6	0.00%	-	-	4.0	0.00%	\$0.00	0
Q▶ americans disability	Active	\$1.45	0	5	0.00%	-	-	2.2	0.00%	\$0.00	0
Q▶ anxiety disability	Active	\$1.45	0	5	0.00%	-	-	3.2	0.00%	\$0.00	0

Q ⁺ copd disability	Active	\$1.45	0	5	0.00%	-	-	2.4	0.00%	\$0.00	0
Q ⁺ dysrhymia disability	Active	\$1.45	0	5	0.00%	-	-	1.0	0.00%	\$0.00	0
Q ⁺ fibromyalgia and social security disability	Active	\$1.45	0	5	0.00%	-	-	2.0	0.00%	\$0.00	0
Q ⁺ scooters for disabled	Active	\$1.45	0	5	0.00%	-	-	7.0	0.00%	\$0.00	0
Q ⁺ social security disability child	Active	\$1.45	0	5	0.00%	-	-	3.2	0.00%	\$0.00	0
Q ⁺ social security disability qualifications	Active	\$1.45	0	5	0.00%	-	-	3.4	0.00%	\$0.00	0
Q ⁺ social security disability status	Active	\$1.45	0	5	0.00%	-	-	3.6	0.00%	\$0.00	0
Q ⁺ social security disability taxable	Active	\$1.45	0	5	0.00%	-	-	2.8	0.00%	\$0.00	0
Q ⁺ social security disabled	Active	\$1.45	0	5	0.00%	-	-	1.8	0.00%	\$0.00	0
Q ⁺ social security wage	Active	\$1.45	0	5	0.00%	-	-	2.6	0.00%	\$0.00	0
Q ⁺ tendonitis disability	Active	\$1.45	0	5	0.00%	-	-	1.0	0.00%	\$0.00	0
Q ⁺ adhd disability	Active	\$1.45	0	4	0.00%	-	-	2.3	0.00%	\$0.00	0
Q ⁺ disability reconsideration	Active	\$1.45	0	4	0.00%	-	-	1.0	0.00%	\$0.00	0
Q ⁺ disabling conditions	Active	\$1.45	0	4	0.00%	-	-	2.0	0.00%	\$0.00	0
Q ⁺ filing for social security disability	Active	\$1.45	0	4	0.00%	-	-	2.8	0.00%	\$0.00	0
Q ⁺ social security binder	Active	\$1.45	0	4	0.00%	-	-	2.0	0.00%	\$0.00	0
Q ⁺ social security disability checks	Active	\$1.45	0	4	0.00%	-	-	2.5	0.00%	\$0.00	0
Q ⁺ social security disability children	Active	\$1.45	0	4	0.00%	-	-	2.8	0.00%	\$0.00	0
Q ⁺ social security disability definition	Active	\$1.45	0	4	0.00%	-	-	1.8	0.00%	\$0.00	0
Q ⁺ social security disability for children	Active	\$1.45	0	4	0.00%	-	-	1.8	0.00%	\$0.00	0

Q▶ social security disability questions	Active	\$1.45	0	4	0.00%	-	-	3.3	0.00%	\$0.00	0
Q▶ social security long term disability	Active	\$1.45	0	4	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ social security temporary disability	Active	\$1.45	0	4	0.00%	-	-	3.8	0.00%	\$0.00	0
Q▶ social security trust	Active	\$1.45	0	4	0.00%	-	-	1.8	0.00%	\$0.00	0
Q▶ state disability laws	Active	\$1.45	0	4	0.00%	-	-	1.8	0.00%	\$0.00	0
Q▶ verbal learning disability	Active	\$1.45	0	4	0.00%	-	-	2.3	0.00%	\$0.00	0
Q▶ application for social security disability	Active	\$1.45	0	3	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶ apply social security disability	Active	\$1.45	0	3	0.00%	-	-	3.4	0.00%	\$0.00	0
Q▶ disabled abuse	Active	\$1.45	0	3	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶ dyslexia social security	Active	\$1.45	0	3	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶ fibromyalgia social security disability	Active	\$1.45	0	3	0.00%	-	-	2.4	0.00%	\$0.00	0
Q▶ how to file for social security disability	Active	\$1.45	0	3	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶ social security benefits for disabled	Active	\$1.45	0	3	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ social security disability benefits	Active	\$1.45	0	3	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶ social security disability office	Active	\$1.45	0	3	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶ social security disability pay	Active	\$1.45	0	3	0.00%	-	-	2.4	0.00%	\$0.00	0
Q▶ social security disability payment	Active	\$1.45	0	3	0.00%	-	-	2.4	0.00%	\$0.00	0
Q▶ social security disability process	Active	\$1.45	0	3	0.00%	-	-	2.7	0.00%	\$0.00	0
Q▶ social security mental disability	Active	\$1.45	0	3	0.00%	-	-	2.4	0.00%	\$0.00	0
Q▶ applying for social security disability benefits	Active	\$1.45	0	2	0.00%	-	-	2.0	0.00%	\$0.00	0

DG384

Q> asthma disability	Active	\$1.45	0	2	0.00%	-	-	1.5	0.00%	\$0.00	0
Q> bi-polar disorder disability	Active	\$1.45	0	2	0.00%	-	-	1.5	0.00%	\$0.00	0
Q> disabilities benefits lawyer	Active	\$1.45	0	2	0.00%	-	-	8.0	0.00%	\$0.00	0
Q> listing of impairments	Active	\$1.45	0	2	0.00%	-	-	2.0	0.00%	\$0.00	0
Q> qualify for social security disability	Active	\$1.45	0	2	0.00%	-	-	3.0	0.00%	\$0.00	0
Q> ron miller attorney	Active	\$1.45	0	2	0.00%	-	-	2.0	0.00%	\$0.00	0
Q> social security disability information	Active	\$1.45	0	2	0.00%	-	-	3.0	0.00%	\$0.00	0
Q> social security disability laws	Active	\$1.45	0	2	0.00%	-	-	3.0	0.00%	\$0.00	0
Q> social security disability online	Active	\$1.45	0	2	0.00%	-	-	2.5	0.00%	\$0.00	0
Q> social security disability retirement	Active	\$1.45	0	2	0.00%	-	-	3.5	0.00%	\$0.00	0
Q> social security disability review	Active	\$1.45	0	2	0.00%	-	-	2.0	0.00%	\$0.00	0
Q> social security disability work	Active	\$1.45	0	2	0.00%	-	-	2.0	0.00%	\$0.00	0
Q> social security disability working	Active	\$1.45	0	2	0.00%	-	-	3.0	0.00%	\$0.00	0
Q> social security for disabled	Active	\$1.45	0	2	0.00%	-	-	1.5	0.00%	\$0.00	0
Q> autism disability	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q> behavior problems disability	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q> blindness benefits	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q> blindness disability	Active	\$1.45	0	1	0.00%	-	-	2.0	0.00%	\$0.00	0
Q> blindness social security	Active	\$1.45	0	1	0.00%	-	-	3.0	0.00%	\$0.00	0
Q> disabilities social security lawyer	Active	\$1.45	0	1	0.00%	-	-	14.0	0.00%	\$0.00	0

Q▶	disability evaluation under social security	Active	\$1.45	0	1	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶	disability insurance attorney	Active	\$1.45	0	1	0.00%	-	-	11.0	0.00%	\$0.00	0
Q▶	disability+	Active	\$1.45	0	1	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶	getting social security disability	Active	\$1.45	0	1	0.00%	-	-	4.0	0.00%	\$0.00	0
Q▶	hearing impairments disability	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶	heart disease disability	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶	institute on disability	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶	lumbar disability	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶	panic attacks disability	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶	social security application	Active	\$1.45	0	1	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶	social security lawyer	Active	\$1.45	0	1	0.00%	-	-	7.0	0.00%	\$0.00	0
Q▶	social security disability age	Active	\$1.45	0	1	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶	social security disability amount	Active	\$1.45	0	1	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶	social security disability bipolar	Active	\$1.45	0	1	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶	social security disability child support	Active	\$1.45	0	1	0.00%	-	-	1.0	0.00%	\$0.00	0
Q▶	social security disability income tax	Active	\$1.45	0	1	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶	social security disability list	Active	\$1.45	0	1	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶	social security disability listings	Active	\$1.45	0	1	0.00%	-	-	3.0	0.00%	\$0.00	0
Q▶	social security disability medical	Active	\$1.45	0	1	0.00%	-	-	2.0	0.00%	\$0.00	0
Q▶	social security disability program	Active	\$1.45	0	1	0.00%	-	-	4.0	0.00%	\$0.00	0

Q> social security permanent disability	Active	\$1.45	0	1	0.00%	-	-	5.0	0.00%	\$0.00	0
Q> Social Security Disability Reconsideration	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> about social security disability	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior benefits	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior benefits attorney	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior benefits lawyer	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior disability	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior disability attorney	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior disability lawyer	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior social security	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior social security attorney	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> antisocial behavior social security lawyer	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> aphasia benefits	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> aphasia benefits attorney	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> aphasia benefits lawyer	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> aphasia disability	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> aphasia disability attorney	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> aphasia disability lawyer	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> aphasia social security	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0
Q> aphasia social security attorney	Active	\$1.45	0	0	-	-	-	-	0.00%	\$0.00	0

EXHIBIT R

1 UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
3
4 HARRY J. BINDER, AN INDIVIDUAL; AND)
5 CHARLES E. BINDER, AN INDIVIDUAL,)
6 PLAINTIFFS,) CASE NO.
7 vs.) CV07-02760-GHK
8)
9 DISABILITY GROUP, INC., A)
10 CORPORATION; RONALD MILLER, AN)
11 INDIVIDUAL; AND DOES 1 TO 10,)
12 INCLUSIVE,)
13)
14 DEFENDANT.)
15)
16)
17)
18)
19)
20)
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14 DEPOSITION OF JAMES OATES, TAKEN ON BEHALF OF
15 THE PLAINTIFF, AT 2:19 P.M., WEDNESDAY, JANUARY 30,
16 2008, AT 3121 MICHELSON DRIVE, IRVINE, CALIFORNIA,
17 BEFORE AUDRA E. CRAMER, CSR NO. 9901, PURSUANT TO
18 NOTICE.
19
20
21
22
23
24
25

1 APPEARANCES OF COUNSEL

2
3 FOR PLAINTIFF:

4 TEUTON, LOEWY & PARKER
5 BY: KENNETH G. PARKER, ESQUIRE
6 3121 MICHELSON DRIVE
7 SUITE 250
8 IRVINE, CALIFORNIA 92612
9 (949) 442-7100

10 FOR DEFENDANT:

11 DISABILITY GROUP, INC.
12 BY: MATT KOHN, ESQUIRE
13 2917 SANTA MONICA BOULEVARD
14 SANTA MONICA, CALIFORNIA 90404
15 (310) 829-5100

16 ALSO PRESENT:

17 DALE PETERSON, VIDEOGRAPHER
18
19
20
21
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1 IRVINE, CALIFORNIA;

2 WEDNESDAY, JANUARY 30, 2008, 2:19 P.M.

3
4 THE VIDEOGRAPHER: Going on the record.

5 Today's date is January 30, 2008. The time is 2:19 p.m. 02:19

6 This is the PMK deposition of James Oates in the matter

7 of "Binder, et al., versus Disability Group, Inc.,

8 et al.," Case No. CV07-02760-GHK. This deposition is

9 being taken at 3121 Michelson Drive in Irvine,

10 California. My name is Dale Peterson. I'm a videotape 02:19

11 operator and public notary from Orange County,

12 California.

13 Would Counsel present please identify yourself
14 and state who you represent, starting with Counsel for
15 the witness. 02:19

16 MR. KOHN: Matt Kohn, counsel for Disability
17 Group, Inc., and its employees.

18 MR. PARKER: Ken Parker, here for Plaintiffs.

19 THE VIDEOGRAPHER: And would the court reporter
20 please swear in the witness. 02:20

21
22 JAMES OATES,

23 having been first duly sworn, was

24 examined and testified as follows:

25 02:20

Page 126
02:20

EXAMINATION

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BY MR. PARKER:

Q. Hello.

A. Hi there.

Q. Hi. I'm Ken Parker. I'm an attorney for
Harry Binder and Charles Binder and their associated
entities.

02:20

You've now been sworn in. Do you understand
you're understand oath?

A. I do.

02:20

Q. Have you been deposed before?

A. No.

Q. Let me go over a few rules.

The court reporter to your left and my right is
taking down everything I'm saying and everything you're
saying. Do you understand that?

02:20

A. I do.

Q. We're on videotape, but it's important for you
to respond in audible answers, as you have been doing,
because her transcript is the official record, and she
cannot record shakes of the head or nods or even uh-huhs
or -- so if you can answer audibly, I would appreciate
it. Okay?

02:20

A. Okay.

Q. If I ask you a question and you don't

02:20

Page 142
02:36

1 Q. Okay.

2 A. But he's not -- he doesn't use Microsoft
3 Outlook.

4 Q. Okay. So we know that to do this report -- and
5 I'm referring to Exhibit 24 -- you've had a -- you wrote 02:36
6 a search program, and it went and searched the PST files
7 for the files, and those PST files contained the e-mail
8 submissions from Internet sources; right?

9 A. All Internet sources; that's right.

10 Q. Okay. Have you searched -- have you or, to 02:36
11 your knowledge -- have you or, to your knowledge,
12 anybody else searched the e-mails that exist at the
13 company for the word "Binder" other than these PST files
14 that were -- that came from the Internet?

15 A. Well, if what you're asking is is that would it 02:37
16 be possible for me to or if -- or have I searched
17 anything that was not a direct ad source e-mail, then
18 the answer would be yes. Yes, we actually have.

19 Q. Okay.

20 A. Yeah. But not specifically personal e-mail. 02:37
21 In other words -- and it would be difficult to explain
22 that, again, if someone understands -- or only
23 understands that there is such a thing as an Exchange
24 Server where everything lives. What we did was we have
25 additional e-mails -- 02:37

Page 143
02:37

1 Q. Uh-huh.

2 A. -- that are ad source-related. For instance,
3 we have a client service at DisabilityGroup.com, so
4 that's a place that's sort of like a general e-mail. In
5 other words, someone comes to our Web site and they 02:37
6 click a thing that says, "I have a question." It's
7 going to go to the client service at
8 DisabilityGroup.com. Now, generally, those end up being
9 inquiries.

10 Q. Okay. 02:38

11 A. So if -- I think probably what you're really
12 maybe getting at is would it be possible for any other
13 inquiry to come into the office through another e-mail
14 that would have been something I didn't search, and it
15 would be incredibly unlikely. 02:38

16 Q. Yeah, and I am interested in that, but I'm also
17 more interested in the fact that all -- that we don't
18 have any e-mail correspondence produced in this case
19 between Michael Vincent at Axon and Disability Group.
20 And I was told the reason for that was there was a 02:38
21 switch in e-mail services and that all that e-mail was
22 unavailable.

23 A. Well, I mean, the only thing that I could think
24 of, again, was the fact that Mike Vincent's company was
25 hosting our e-mail at one point, and that was a problem. 02:38

EXHIBIT 1

[Sign in](#)

Google

[Web](#) [Images](#) [Video](#) [News](#) [Maps](#) [more »](#)

binder and binder



[Advanced Search](#)
[Preferences](#)

The "AND" operator is unnecessary -- we include all search terms by default. [\[details\]](#)

Web

Results 1 - 10 of about 15,100,000 for **binder and binder**. (0.08 seconds)

Disabled? Social Security

Sponsored Links

DisabilityGroup.com We win 8 out of 10 cases. No fee unless you win. Free case review.

Binder And Binder

SocialSecurityDisability411.com Disability Benefits Explained No fee unless we win your case

Tip: Save time by hitting the return key instead of clicking on "search"

Binder & Binder

Social Security Disability Advocates. **Binder & Binder** is America's Most Successful Social Security Disability Advocates. Free Social Security Disability ...
www.binderandbinder.com/ - 78k - Cached - Similar pages

Frequently asked questions about Office Binder 97

Answers frequently asked questions about Office Binder 97.
support.microsoft.com/?kbid=843147 - Similar pages

Save on Binder: Pockets. Discount Office Supplies: Binder: Pockets

Price List of **Binder: Pockets** products we have available. ... **Binder Pockets** offer a heavy .008mm clear matte vinyl body and an all-plastic zipper with ...
www.office1000.com/discount/binder-pockets.html - 23k - Cached - Similar pages

binder-connectors - Binder, connector, circular connector - [Translate this page]

Marktführern im Bereich Rundsteckverbinder | Steckverbinder, Industrierundsteckverbinder, Steckverbindungen für die Automatisierungstechnik und ...
www.binder-connector.de/e/index.html - 3k - Cached - Similar pages

Binder, Heinz - Binder & Malter, LLP - Santa Clara, CA, 95050 ...

Come to Citysearch to get information, directions, and reviews on **Binder, Heinz - Binder & Malter, LLP** and other Yellow Pages in Santa Clara.
siliconvalley.citysearch.com/profile/38266357/santa_clara_ca/binder_heinz_binder_malter_llp.html - 33k - Cached - Similar pages

SIL Bibliography: Binder and Binder 1974

SIL bibliography listing for **Binder and Binder 1974**.
www.ethnologue.com/show_work.asp?id=10271 - 7k - Cached - Similar pages

Recipe Binder - Compare Prices, Reviews and Buy at NexTag - Price ...

Recipe Binder - 23 results like the WELLSPRING MEDIA Recipe Book **Binder**, WESTPORTSTYLE Betty Crocker From the Heart Recipe **Binder**, WESTPORTSTYLE Market ...
www.nextag.com/recipe-binder/search-html - 81k - Cached - Similar pages

Abdominal Binder

Abdominal **Binder** Price Range \$12.00 - \$58.00. ... Abdominal **Binder** - Abdominal **Binder** - Ideal for extra abdominal support, often used after surgery.... More ...
www.shopping.com/xPO-Abdominal_Binder - 48k - Cached - Similar pages

DG362

BB 00003

EXHIBIT 2

"*binder*" Keyword Related Inquiries

<u>Client/ Referral Name</u>	<u>RecordDate</u>	<u>Retained</u>	<u>Status</u>	<u>Ad Source Credited</u>	<u>Search String</u>	<u>Search Source</u>	<u>Award Receivables</u>
Terri C. - 33567	3/27/2006			Google	binder and binder	www.google.com	
Robert D. - 33631	3/28/2006			Google	binder & binder	www.google.com	
Stacey H. - 33685	3/29/2006			Google	binder and binder	aolsearch.aol.com	
Richard N. - 33706	3/29/2006			Google	binder and binder	www.google.com	
David C. - 33715	3/29/2006			Google	binder and binder website	aolsearch.aol.com	
Stephanie H. - 33716	3/29/2006		QC'd	Google	binder and binder.com	www.google.com	
Patty B. - 33813	3/30/2006			Google	binder & binder law	search.peoplepc.com	
Brittney S. - 33834	3/31/2006			Google	binder & binder	www.google.com	
Sean F. - 33840	3/31/2006			Google	binder & binder	www.charter.net	
Chad W. - 33961	4/3/2006			Google	binder and binder	www.google.com	
Tina C. - 33966	4/3/2006			Google	binder and binder	aolsearch.aol.com	
Linda E. - 33995	4/3/2006			Google	binder and binder	www.google.com	
Brenda L. - 33998	4/3/2006			Google	binder and binder	websearch.cs.com	
Dolores C. - 34001	4/3/2006			Google	binder and binder	www.comcast.net	
Lisa M. - 34134	4/5/2006	4/17/2006	Case Filed	Google	binder & binder	www.comcast.net	
Dana C. - 34135	4/5/2006			Google	binder & binder	www.google.com	
Robin O. - 34139	4/5/2006			Google	binder and binder	www.google.com	
Jeff M. - 34173	4/5/2006			Google	attorney binder & binder	aolsearch.aol.com	
Aleshia M. - 34220	4/6/2006			Google	www.binder and binder.com	aolsearch.aol.com	
Alexandre K. - 34272	4/7/2006			Google	binder and binder	www.google.com	
babrba b. - 34278	4/7/2006			Google	binder and binder	www.google.com	
Patricia D. - 34283	4/7/2006	4/12/2006	Case Filed	Google	binder & binder	www.google.com	
Jeremiah . - 34290	4/7/2006			Google	binder and binder	www.google.com	
Jesune P. - 34316	4/10/2006	5/8/2006	Closed	Google	binder and binder	www.google.com	Closed/Drop
Jesune P. - 34316	4/10/2006	5/8/2006	Closed	Google	binder and binder	www.google.com	Closed/Drop
Doug C. - 34327	4/10/2006			Google	binder & binder	www.google.com	
Timothy T. - 34330	4/10/2006	4/14/2006	Case Filed	Google	binder social security	www.google.com	
Jerome B. - 34334	4/10/2006			Google	binder & binder	aolsearch.aol.com	
Sharon R. - 34403	4/10/2006			Google	binder and binder	www.google.com	
Farahnaz J. - 34436	4/11/2006			Google	binder and binder law office	www.google.com	
Janet I. - 34475	4/11/2006			Google	binder and binder	www.google.com	
Donald K. - 34480	4/11/2006			Google	binder and binder.com	www.google.com	
Denise M. - 34484	4/11/2006			Google	binder and binder	www.google.com	
Jack M. - 34509	4/12/2006			Google	binder & binder	www.google.com	
Paul P. - 34536	4/12/2006			Google	binder and binder	www.google.com	
Brenda E. - 34562	4/12/2006			Google	binder and binder	aolsearch.aol.com	
Cheryl N. - 34651	4/14/2006	5/8/2006	Closed	Google	binder & binder	aolsearch.aol.com	\$595.00
Rhonda B. - 34730	4/17/2006			Google	binder & binder	www.google.com	
Ghansham R. - 34759	4/17/2006			Google	binder and binder	www.google.com	
Ghansham R. - 34759	4/17/2006			Google	binder and binder	www.google.com	
Donald B. - 34764	4/17/2006			Google	binder and binder	www.google.com	
William A. - 34819	4/18/2006			Google	binder & binder	search.hp.netscape.com	
Leone V. - 34821	4/18/2006			Google	binder & binder attorney at law	weboffers.search.aol.com	
Michael S. - 35119	4/22/2006			Google	binder and binder	www.google.com	
William M. - 35170	4/24/2006			Google	binder social security	www.google.com	
Joseph T. - 35178	4/24/2006			Google	binder & binder atty.	aolsearch.aol.com	
Warren H. - 35217	4/24/2006			Google	binder & binder attorneys at law firm	www.google.com	
Warren H. - 35217	4/24/2006			Google	binder & binder law firm sacramento	www.google.com	
Kenneth R. - 35218	4/24/2006			Google	binder and binder	www.google.com	
Charles D. - 35222	4/24/2006			Google	binder and binder	www.google.com	
Ingrid B. - 35243	4/24/2006			Google	binder& binder attorney's @law	aolsearch.aol.com	
Connie M. - 35324	4/25/2006			Google	binder and binder law firm.com	www.google.com	
Ted D. - 35353	4/25/2006			Google	binder & binder	www.google.com	

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Monday, October 15, 2007

Ad Source/Keyword Inquiry Resolution List by Record Date

Page 1 of 4

242

dg216

<u>Client/ Referral Name</u>	<u>RecordDate</u>	<u>Retained</u>	<u>Status</u>	<u>Ad Source Credited</u>	<u>Search String</u>	<u>Search Source</u>	<u>Award Receivables</u>
Jonathan G. - 35636	4/28/2006			Google	binder and binder	aolsearch.aol.com	
Charles E. - 35654	4/29/2006			Google	binder and binder	aolsearch.aol.com	
Delvin L. - 35869	5/3/2006			Google	binder and binder	search.comcast.net	
Kristine L. - 35880	5/3/2006			Google	binder and binder	www.google.com	
Pat L. - 35941	5/4/2006			Google	binder & binder	www.google.com	
Earl C. - 35947	5/4/2006			Google	binder & binder	www.google.com	
James S. - 35950	5/4/2006			Google	binder and binder	www.google.com	
Barbara H. - 36065	5/5/2006			Google	binder and binder	www.google.com	
Tyrone J. - 36149	5/8/2006			Google	www.binder and binder	search.aol.com	
Cruz A. - 36327	5/9/2006			Google	binder & binder	www.google.com	
Faye A. - 36407	5/10/2006			Google	binder & binder	www.google.com	
James D. - 36462	5/11/2006			Google	binder & binder	www.google.com	
Ronald J. - 36717	5/15/2006			Google	binder and binder	www.google.com	
Nancy P. - 36871	5/16/2006			Google	binder & binder	www.google.com	
Charles H. - 36919	5/16/2006			Google	binder & binder	www.google.com	
Joshua T. - 36971	5/17/2006	5/30/2006	Case Filed	Google	binder and binder	www.google.com	
Robert F. - 37068	5/18/2006			Google	binder and binder	www.google.com	
Joshua W. - 37161	5/19/2006			Google	binder & binder	www.google.com	
Tonya H. - 37225	5/22/2006	6/19/2006	Case Filed	Google	binder and binder	aolsearch.aol.com	
Keith S. - 37233	5/22/2006			Google	binder & binder	www.google.com	
Raymond L. - 37237	5/22/2006			Google	binder and binder.com	aolsearch.aol.com	
Mfemfem M. - 37384	5/23/2006			Google	ssi lawyers portland or. binder & binde	search.comcast.net	
Eric K. - 37390	5/23/2006			Google	binder and binder	aolsearch.aol.com	
Norman . - 37440	5/23/2006			Google	binder and binder law firm	aolsearch.aol.com	
Judith W. - 37536	5/25/2006			Google	binder and binder.com	www.google.com	
C H. - 37568	5/26/2006			Google	binder & binder	search.netscape.com	
Rafael M. - 37593	5/26/2006	6/1/2006	Case Filed	Google	binder and binder	www.adelphia.net	
Gary B. - 37597	5/26/2006			Google	binder & binder	www.google.com	
Gary B. - 37597	5/26/2006			Google	binder & binder	www.google.com	
Gary B. - 37597	5/26/2006			Google	binder & binder	www.google.com	
Johnnie E. - 37599	5/26/2006			Google	binder and binder	aolsearch.aol.com	
Bloneva S. - 37723	5/30/2006			Google	www.law office of binder & vinder.co	www.google.com	
Cherean . - 37727	5/30/2006			Google	binder and binder	aolsearch.aol.com	
Anthony O. - 37736	5/30/2006			Google	binder and binder	www.google.com	
Trent B. - 37910	6/1/2006			Google	binder and binder	aolsearch.aol.com	
William H. - 37961	6/1/2006			Google	binder and binder	aolsearch.aol.com	
Robert K. - 37963	6/1/2006			Google	binder and binder	www.google.com	
Curtis C. - 37965	6/1/2006		Closed	Google	binder & binder	www.google.com	Closed/Drop
Maria S. - 38008	6/2/2006			Google	www.binder and binder law offices	www.google.com	
Patrice P. - 38164	6/5/2006			Google	binder & binder	www.google.com	
Alison S. - 38182	6/5/2006			Google	binder & binder	aolsearch.aol.com	
Dora E. - 38230	6/6/2006			Google	binder and binder.com	www.google.com	
Aurelio V. - 38304	6/7/2006			Google	binder & binder	search.comcast.net	
Linda B. - 38385	6/8/2006			Google	binder and binder	aolsearch.aol.com	
Cynthia T. - 38488	6/10/2006	6/16/2006	QC'd	Google	binder and binder	www.google.com	
Jose S. - 38547	6/12/2006			Google	binder & binder	www.google.com	
Kathleen E. - 38612	6/12/2006			Google	binder and binder	www.google.com	
Herb B. - 38666	6/13/2006	6/16/2006	Case Filed	Google	binder & binder	www.google.com	
Charlie A. - 38692	6/13/2006			Google	binder and binder	www.google.com	
Elaine T. - 38775	6/14/2006			Google	binder and binder	www.google.com	
Amanda B. - 38794	6/14/2006			Google	binder and binder	aolsearch.aol.com	
Nicole R. - 38812	6/15/2006			Google	binder and binder	aolsearch.aol.com	
Kenneth M. - 38934	6/16/2006			Google	binder & binder	www.google.com	
James M. - 38997	6/19/2006			Google	binder and binder	www.google.com	
Frances L. - 39094	6/20/2006			Google	binder & binder	www.google.com	

Disability Group
Monday, October 15, 2007

Ad Source/Keyword Inquiry Resolution List by Record Date

Page 2 of 4

<u>Client/ Referral Name</u>	<u>RecordDate</u>	<u>Retained</u>	<u>Status</u>	<u>Ad Source Credited</u>	<u>Search String</u>	<u>Search Source</u>	<u>Award Receivables</u>
Carla H. - 39191	6/21/2006			Google	binderand binder	www.google.com	
Nancy R. - 39259	6/22/2006			Google	binder and binder.com	search.earthlink.net	
Debera H. - 39266	6/22/2006			Google	binder& binder	www.google.com	
Floyd W. - 39306	6/23/2006			Google	binder & binder	www.google.com	
Elayne M. - 39375	6/23/2006			Google	binder and binder	aolsearch.aol.com	
Christopher H. - 39492	6/26/2006			Google	binder and binder	aolsearch.aol.com	
Edward B. - 39552	6/27/2006			Google	www.binder & binder .com	aolsearch.aol.com	
Terry S. - 39683	6/28/2006			Google	binderand binder	search.peoplepc.com	
Sally B. - 39853	7/3/2006			Google	binder and binder	www.google.com	
Faith H. - 39905	7/3/2006	7/7/2006	Closed	Google	the law offices of binder and binder i	aolsearch.aol.com	\$2,995.00
Michael C. - 39970	7/5/2006			Google	binder & binder	www.adelphia.net	
Gertrude B. - 39993	7/5/2006			Google	binder and binderlaw firm	www.google.com	
Henry J. - 40072	7/6/2006			Google	binder and binder	www.google.com	
Barbra W. - 40181	7/10/2006	7/21/2006	Closed	Google	binder and binder	www.google.com	Closed/Drop
Mark L. - 40203	7/10/2006			Google	binder and binder	www.google.com	
Jon L. - 40205	7/10/2006			Google	binder and binder	www.google.com	
Shannon D. - 40222	7/10/2006			Google	binder and binder	www.google.com	
James H. - 40247	7/11/2006	7/20/2006	Case Filed	Google	binder and binder	weboffers.search.aol.co	
Trini W. - 40321	7/11/2006			Google	binder & binder	www.google.com	
Susan G. - 40364	7/12/2006			Google	binder and binder	search.earthlink.net	
Jim G. - 40514	7/14/2006			Google	binder and binder	www.google.com	
Linda H. - 40524	7/14/2006			Google	binder & binder	www.google.com	
Mary Ann A. - 40577	7/17/2006	7/20/2006	Closed	Google	binder and binder	www.google.com	\$335.91
Cynthia I. - 40749	7/18/2006			Google	binder and binder	aolsearch.aol.com	
Katherine P. - 40772	7/19/2006	8/2/2006	Case Filed	Google	binder and binder lawyers	weboffers.search.aol.co	
Jeff C. - 40796	7/19/2006			Google	binder and binder.com	www.google.com	
Thomas M. - 40804	7/19/2006			Google	binder and binder attorney at law	aolsearch.aol.com	
Danny L. - 40876	7/20/2006			Google	binder & binder law firm	aolsearch.aol.com	
Chuck B. - 40948	7/21/2006			Google	www.binder and binder .com	aolsearch.aol.com	
James . - 41079	7/24/2006			Google	binder and binder	www.google.com	
David L. - 41357	7/28/2006			Google	binder & binder	www.google.com	
Diane C. - 41367	7/28/2006			Google	binder & binder	aolsearch.aol.com	
Susan K. - 41460	7/31/2006			Google	binder and binder	search.comcast.net	
Dawn B. - 41715	8/2/2006	8/18/2006	Closed	Google	binder and binder	www.google.com	\$2,845.75
Steve . - 41846	8/4/2006			Google	bibder and binder	www.google.com	
Robert W. - 42014	8/7/2006			Google	binder & binder.com	www.adelphia.net	
Sandra A. - 42021	8/7/2006			Google	binder and binder	www.google.com	
Robert S. - 42054	8/8/2006	8/10/2006	Case Filed	Google	binder and binder orlando	www.google.com	
Janey R. - 42156	8/9/2006			Google	binder and binder.com	www.google.com	
Quinton S. - 42196	8/10/2006			Google	www.binders and binders.com	www.ask.com	
Frances R. - 42358	8/11/2006			Google	binder & binder attorney's e mail addre	www.google.com	
Leon L. - 42491	8/14/2006			Google	www.binder and binder.com	www.google.com	
David M. - 42532	8/15/2006			Google	binder and binder.com	www.google.com	
Sally L. - 42762	8/18/2006			Google	binder and binder	aolsearch.aol.com	
Arthur E. - 42771	8/18/2006			Google	binder and binder.com	search.earthlink.net	
Karen F. - 42887	8/21/2006	9/11/2006	Case Filed	Google	binder and binder	search.earthlink.net	
Mamon T. - 43075	8/23/2006			Google	www.binder and binder	search.comcast.net	
Shavonne M. - 43213	8/25/2006			Google	www.binderandbinder.com	aolsearch.aol.com	
Joyce M. - 43321	8/28/2006			Google	binder and binder.com	aolsearch.aol.com	
Evelyn M. - 43472	8/29/2006			Google	binder & binder .com	search.peoplepc.com	
Beverly T. - 43480	8/29/2006			Google	binder & binder	aolsearch.aol.com	
Kenneth M. - 43485	8/29/2006			Google	http://binder and binder.com/	aolsearch.aol.com	
Denny H. - 43487	8/29/2006			Google	binder and binder	adelphia.net	
Angela A. - 43874	9/1/2006			Google	binder & binder law associates	www.google.com	
David S. - 44052	9/6/2006	9/21/2006	Closed	Google	law firm of binder and binder	search.aol.com	Closed/Drop

Disability Group
Monday, October 15, 2007

Ad Source/Keyword Inquiry Resolution List by Record Date
Page 3 of 4

<u>Client/ Referral Name</u>	<u>RecordDate</u>	<u>Retained</u>	<u>Status</u>	<u>Ad Source Credited</u>	<u>Search String</u>	<u>Search Source</u>	<u>Award Receivables</u>
Jamie L. - 44065	9/6/2006			Google	binder and binder	www.google.com	
Kathleen E. - 44200	9/7/2006			Google	binder & binder.com	search.peoplepc.com	
Richard C. - 44316	9/11/2006			Google	binder and binder.com	aolsearch.aol.com	
Richard C. - 44316	9/11/2006			Google	binder and binder.com	aolsearch.aol.com	
Ronald S. - 45004	9/20/2006			Google	binder and binder disabilities	search.aol.com	
Steve C. - 45423	9/26/2006			Google	binder and binder.com	aolsearch.aol.com	
David H. - 45567	9/26/2006			Google	binder and binder	search.earthlink.net	
Vickie J. - 45685	9/27/2006			Google	binder and binder	www.google.com	
Tiffany G. - 45790	9/28/2006			Google	binder and binder	search.peoplepc.com	
Henry C. - 45803	9/28/2006			Google	www.binderandbinder	aolsearch.aol.com	
Marissa E. - 45871	9/29/2006			Google	www.binder and binder.com	www.google.com	
Jennie T. - 46188	10/4/2006			Google	binder and binder attornetys at law	aolsearch.aol.com	
Keith S. - 46191	10/4/2006			Google	http://binder and binder.com/	aolsearch.aol.com	
David M. - 46247	10/5/2006			Google	binder and binder	www.google.com	
Maryela N. - 46382	10/6/2006			Google	www.bindeandbinder.com	aolsearch.aol.com	
Verna C. - 46385	10/6/2006			Google	binder n binder	aolsearch.aol.com	
Taleah C. - 46677	10/10/2006			Google	binder and binder.com	www.google.com	
Alexander B. - 46994	10/13/2006			Google	binder & binder	aolsearch.aol.com	
Alexander B. - 46994	10/13/2006			Google	binder & binder	aolsearch.aol.com	
Freida E. - 47433	10/20/2006			Google	binder and binder.lawyer	www.google.com	
Tammi B. - 47513	10/23/2006			Google	binder and binder	aolsearch.aol.com	
Betty B. - 47520	10/23/2006			Google	binder and binder lawyers	www.google.com	
Iris G. - 47533	10/23/2006			Google	binder & binder	search.earthlink.net	
Phillip G. - 48038	11/1/2006			Google	binder and binder	www.google.com	
Andre L. - 48111	11/2/2006			Google	binder and binder	www.google.com	
Totals :	<u>Referred</u>	<u>Inquiries</u>	<u>Case Filed</u>				<u>Award Recv.</u>
	188	188	18				\$6,771.66

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and am not a party to the within action; my business address is 3121 Michelson Drive, Suite 250, Irvine, California 92612.

On **May 13, 2008**, I served a true and correct copy of the document(s) described as **PLAINTIFFS' NOTICE OF MOTION AND MOTION TO COMPEL FURTHER PRODUCTION OF DOCUMENTS; JOINT STIPULATION REGARDING MOTION TO COMPEL; DECLARATION OF KENNETH G. PARKER** on interested parties in this action by placing true copies thereof enclosed in sealed envelopes as set forth below:

Matthew Kohn
844 25th Street
Santa Monica, CA 90403
Email: mattkohn@msn.com
Fax: (310) 828-9590

Ronald D. Miller
2917 Santa Monica Blvd.
Santa Monica, CA 90404
Email: winningcases@aol.com
Fax: (310) 829-0010

☒ **(By Electronic Delivery)** I served a true and correct copy by electronic delivery pursuant to C.C.P. 1010.6, calling for agreement to accept service by electronic delivery, to the interested parties in this action as indicated above.

☐ **(By U.S. Mail)** I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Irvine, California as indicated above.

☐ **(By Express Service)** I served a true and correct copy enclosed in a sealed package, for collection and for delivery marked for next day delivery in the ordinary course of business, addressed to the office of the addressee(s) as indicated above.

☒ **(FEDERAL)** I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **May 13, 2008**, at Irvine, California.

Jayne Riedel